Thesis.

The Ecclesiastical Politics of Archibald Johnston, Lord Warriston. 1611-1663.

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Preface.

In his Introduction to the Biography of Wariston, published in the Famous Scots Series, the author, Dr Morison, writes, "If I have allowed the historical part of my subject to overbalance the biographical, the reason is that Wariston's character is almost entirely shown, and the interest of his life almost exclusively found in his public acts". The biographer had little directly biographical material to draw upon, and, apart from a few letters, only the fragment of the Diary covering a few months of the year 1639. The consequence is that the biography is but a very thin thread running through the web of contemporary history. Since Morison wrote, however, several rich sources of information have become available, especially Wariston's Diaries, in which to an extraordinary degree the man himself is revealed, with his prayers, his meditations, his varying moods of depression and exaltation and his comments on the events of his time. From these I have tried to make the man himself and the part he played stand out as the high lights in the picture, leaving the already well-known facts of history more as the background.

There may seem to be a lack of proportion in this study, with more consideration given to the later period than the earlier. The reason is that the Resolutioner-Protester/

Protester controversy has received very inadequate treatment at the hands of historians. Morison dismisses it in a page or two. Beattie's little book is out of date, for he had not the material now made available in the publications of the Scottish History Society. I have tried to deal with the controversy in some adequate measure so far as it concerns the subject of this thesis.

I am under obligation to make one request. Through the kindness of the officials of the Scottish History Society, I have been given access to the unpublished Diaries of Wariston. I have to request that any reader of this Thesis will make no use of any information contained in it which deals with events subsequent to 1654 until these Diaries have been published by the Society.

The reference numbers of the Diaries in the footnotes are chronological,

I	1632-39.
II	1639.
III	1650-54.
IV	Unpublished.

Chapter I.

The Stage Prepared.

When Archibald Johnston of Wariston first appeared in the limelight of public interest in 1637, the stage was already set for the grimmest drama ever played out in Scottish history. The players were to comprise the whole nation. From the furthest clans of the North to the English borders, nobility and commoners alike were to hazard their fortunes and their lives before the curtain was finally rung down. In its long-drawn agony it was to witness a disruption of the nation unparalleled in its stormiest periods, to silence the voice of the Church, to subjugate the authority of Parliament to an alien and despotic power, and to leave in Scottish history a record of savage passions and bitter fanaticism, and, in the end, of sublime sacrifice for Christ's Crown and Covenant.

And the play was watched with breathless interest by an audience far beyond Scotland's borders. In its earlier stages the struggle between the people and their King was but a part of the larger strife in which England also was engaged. But the centre of interest changed from London to North of Tweed. "It was Scotland that taught England how to deal effectively with a monarch who transgressed the Constitution in/

in Church and State. England had been content with remonstrances, petitions, appeals to law, and had utterly failed to prevent thereby its King from governing as he pleased. It had refrained from carrying opposition beyond Parliament and the law courts. . . . Scotland, too, when its turn came, protested, petitioned, appealed to law. But it did not stop short at mere oratory and penmanship. When protests and appeals failed, it drew the sword in true native fashion to enforce the national will"[1]. England had her own special interest in the struggle and found in it an example which she herself was soon to follow.

Who were the Dramatis Personae? Those who chiefly concern us are:-

I. The Bishops.

The controversy began with them. But how came there to be Bishops in the Scottish Church? In name and character, from the time when it was reformed by Knox and consolidated in the First and Second Books of Discipline, the Church was Presbyterian, and the essential characteristic of Presbyterianism is the parity of the clergy. There should have been no place in its democratic system for the office of Bishop. Knox's intention was that the hierarchy of the old Church/

[1] MacKinnon. Modern Liberty III 196.

Church should disappear along with the authority of its supreme head and a new order of things take its place. How then were the ancient inhabitants of the land left to be a thorn in the side of Israel?

(a) There was, in the Constitution of the country, a reason for the survival. The Bishops were one of the Estates in Parliament and their sanction was necessary for the validity of legislation. Until some other governmental machinery was devised, and this was difficult during the minority of the King, they had necessarily to remain and to be supported out of what the nobles had left of the old Church revenues. The further question arose in process of time as they died off, what was to be done with these revenues? No one wished their places to be taken by temporal lordships. This was the danger, however, and to prevent it, Knox agreed to an arrangement in 1572 that the titles of Bishop and Archbishop should be retained and that the holders should be subject to the Kirk and the General Assembly. He did not like the plan, but he consented to it as a temporary expedient. He soon saw that it played into the hands of the nobles. They had the appointment of the new bishops, allowed them part of the revenue, and retained the greater part for themselves. The name of "tulchan bishop" marks the public estimate of the manoeuvre. But, such as they were, they continued to exist as one of the Estates of the realm. It is worth remembering, however/

however, that their Episcopacy was political not canonical. By the Act of 1572 they were left subject to the General Assembly to the extent of censure and even of deposition, and this was not forgotten at a later date by the Presbyterian party.

(b) Another reason for the continued presence of the Bishop was the existence in the Reformed Church of an office somewhat analogous to his, viz. that of the Superintendent, which to some degree conflicted with the idea of ministerial parity. According to the First Book of Discipline ten or twelve of these were appointed and a district given to each in which he had special functions of oversight and rule. They were to plant and erect churches, appoint ministers, and exercise general supervision over the lives and morals of the people.

This office may easily be confused with that of the Bishop, but the analogy is only on the surface. Superintendents were only a temporary expedient adopted to make up for the lack of an adequate number of ministers, and they were not meant to infringe on the parity of the clergy. Their office was hedged about with restrictions quite unknown in the case of Bishops. They were ordained by ordinary ministers, must not stay in one place more than three months and must be preachers themselves. The powers of the General Assembly of 1560 included the transferring of these officials from one district/

district to another and the receiving from them of yearly accounts of the congregations in their districts. And their conduct was subject to censure by the ministers and elders of the whole province.[1]

The offices of Bishop and Superintendent were thus radically different, but the existence of such an office in the new Church provided a loophole for the party favouring the introduction of Episcopal forms to induce the Church to adopt the titles of Bishops and Archbishops into the Assembly of 1572.

II. The King.

Charles I and Wariston were the two protagonists in the struggle and Charles had inherited not only his father's realm but his father's ideas and prejudices. James' favourite saying was that "Presbytery agreeth as well with monarchy as God with the Devil", and he set himself from the beginning of his reign to overturn the Presbyterian system and restore to the Bishops their Episcopal jurisdiction. Step by step, now by guile, now by oppression, he pursued this path, and his steps are clearly marked. The appointment of clerical Commissioners in 1597, their seats in Parliament three years later/

[1] First Book of Discipline VI.

later, then Bishopricks for three of them, later still in 1606 Perpetual Moderators, according to Wodrow, "a step to Bishops", with the right of summoning Assemblies given to the King. Then in 1612 the annulment by Parliament of the Act of 1592 changed the government of the Church. From this he turned to the Church's worship, and among the Perth Articles which became law in 1618 was one ordering that the Sacrament of the Lord's Supper should be received kneeling, suggesting to the people the Popish doctrine of transubstantiation. The country began to be alarmed.

James died in 1625 and if he had chastised the Scottish Church with whips, his son Charles was to chastise her with scorpions. Brought up in England, he had little knowledge of his Northern subjects, and from the first he alienated the sympathies of all classes. One of his earliest proceedings was to pass the Act of Revocation, taking away from the nobles the Church lands they had seized, and, though a compromise was ultimately arranged, it left in their minds a sense of distrust which made them ready to ally themselves with the Church in opposition to the King.

Charles had been brought up on the idea, which his father had so strongly held, of the divine right of Kings, but he also believed, as his father had not done, in the divine right of Episcopacy. In this he was encouraged by Archbishop Laud/

Laud, a prelate suspected by James, but very much in favour with the new King. It was by Laud's advice that Charles now set himself to continue the work of reforming the worship of the Scots Church, begun by the Perth Articles. There is this to be said for him. A visit paid by him to Scotland in 1633 revealed a sad state of affairs in the churches. Many were miserably neglected. It was probable too that the extempore prayers were slovenly, and that the slipshod service would grate unpleasantly on ears accustomed to the orderly and ornate ritual of the English Church. Sprot quotes an observation of Spottiswood that the people were neglected and the prayers often impertinent.[1]

Laud, too, was determined to have one form of service for the whole Kingdom, and proceeded with Charles' approval to introduce a new Prayer Book for the Scottish Church. The English form might have sufficed, but it was represented to the King by the Scottish Bishops that the time was inopportune, the national susceptibilities not yet having recovered from their fancied grievance at the Union of the Crowns.

Had the introduction of the book been managed with tact, there would have been probably little opposition to it. Scotland had no objection to the idea of a Prayer Book. For some time after the Reformation the book of Edward VI had been/

[1] Scottish Liturgies. Introduction xv.

been in use and had been followed by Knox's Liturgy. The Aberdeen Assembly of 1616 had ordered a uniform Order of Liturgy to be compiled and also a Book of Canons, but James had hesitated. He felt he had gone far enough with innovations in the Perth Articles. Charles had no such scruples. Neither he nor Laud knew, as James had known, "the stomach of that people" and he would allow no Scottish susceptibilities to stand in the way of uniformity of worship. Laud's idea was to introduce the English form without any variations, but the older Bishops objected for various reasons, chiefly because an English book would rouse the jealousy of the Scots and the fear of being reduced to a province of England.[1] They urged that, if there was to be a new Liturgy, it should be a Scottish one, such as had been contemplated in the previous reign, and to this the King assented. Ultimately he decided on a separate book for Scotland based on the English model, and in 1634 ordered the Bishops to prepare a Liturgy and Canons. Several drafts were made and discarded, and then in 1636 Laud produced an English Prayer Book with certain alterations by himself and Juxon, Bishop of London. It was substantially a revision of the English Prayer Book in a ritualistic direction. "It was for English reasons that the English Prayer Book was so closely followed/

[1] Clarendon, quoted by Sprot. Introd. XLVI.

followed, some things being retained which it was known would be objected to by the great majority of the Scots, rather than that any advantage should be given to the 'turbulent' Puritans of England". If this sentence of Maxwell, quoted by Sprot,[1] be true, it shows the utter indifference to Scottish feelings, and the autocratic manner in which the Prayer Book was forced on the Church and nation.

The Prayer Book was preceded by a Book of Canons. It is characterised throughout by a high Episcopal tone and clearly evidences the changes made by James and Charles in the Scottish Church. It declared among other things that ordination was to be by Bishops only: that Divine Service was to be celebrated according to the Book of Common Prayer: that there were to be no extempore prayers, and that the Sacrament was to be received kneeling. These Canons were never approved by any Church Court, and had no sanction but that of the King. They were absolutely contradictory of the Second Book of Discipline, for long years the manual of Scottish religious practice. And particularly sinister was the fact that they commanded, under pains and penalties, the adoption of a Service Book which no one had yet seen.

When, therefore, after many delays the Service Book/

[1] Introd. lxv.

Book appeared, the storm was ready to burst. The clouds had long been gathering. The Perth Articles had roused bitter feelings and in most quarters the people had refused to obey them. There was as yet no open revolt, for Scottish loyalty to their King could stand a severe strain. But they would not brook from Charles what they might accept from his father. He was not enthroned in their hearts as his father had been. His autocratic rule in England was known north of the Tweed, his dispensing with Parliamentary government, his illegal exactions. And they knew sufficient of Laud's Romanising policy in the English Church to take alarm at this high-handed action. Their objection was not to a Prayer Book. To that they had long been accustomed. But a Prayer Book forced on them by royal authority alone, inspired by an English Bishop and tainted with Romanism, was more than the most loyal Scot could bear.

In 1636 when the stage was set in Scotland, public feeling had reached such a pitch of excitement and of anger that the play was likely to prove a tragedy.

These then are the principal dramatis personae, the Bishops, in Presbyterian Scotland an ecclesiastical anachronism, suspected as being creatures of the King, and the King himself who had lost the confidence of the nation.

III. There is also Archibald Johnston of Wariston.

'There are some men who live in history because they/

they embodied the ruling ideas of their age and made them victorious. There are others who may be said not to reflect but to create the impulses which governed the world in which they lived. They shaped their epoch, they were not shaped by it'. Wariston was of the first type. He did not create the Covenanting movement, he was its embodiment. He became the political and religious heir of the most characteristic Scottish traditions, and more than any man of his generation he was instrumental in carrying them to their logical conclusions.

He owed much to hereditary influences in both the narrower and the wider sense. The family to which he belonged numbered among its members some stout Presbyterians. Bishop Burnet, Wariston's nephew, writes that Rachel Arnot, Wariston's grandmother, had concealed Robert Bruce in her house for some years and that she was counted the chief support of the Presbyterian party. Her daughter and son-in-law were conspicuous for stubborn refusal to conform to the Episcopal innovations. In such an atmosphere Archibald Johnston was born and reared, drinking in Presbyterian principles with his native air. Edinburgh was his home, where Scottish nationality had its centre and where all the historic associations of Castle and Holyrood would instil the most fervent patriotic sentiments into his youthful heart. His grandfather on his mother's side was one of the most eminent jurists of his day, and probably

through/

through him Wariston received the leaning towards the study of law which he was afterwards to put to such good account in the service of the Covenants.

But there was a wider heredity, the influence of which we find on many pages of his Diaries and which gives a peculiar trend to the man's character and actions. The Protestantism in which he was reared breathes the spirit of and fashions itself on the Old Testament, and it is this spirit which throughout his whole life characterises the man. In the Diaries practically all the sermons he mentions as having listened to are based on Old Testament texts. His own recorded meditations are generally on the same themes. It is extraordinary how little he seems to be conscious of the gentler spirit of the New Testament. But that was characteristic of Protestantism and in particular of Puritanism. The Reformation had given them the Bible and "they accepted it in its boldest and most literal sense. In the bitter experience of persecution and cruel war, they found in the Old Testament in particular, language and sentiments which exactly fitted their mood and suited their occasion. . . . They found a close analogy between their fortunes and those of Israel of old, and no language could express it more fitly than that used by the prophets and Psalmists. And one of the most definite effects was the justification it provided for persecution and for taking/

taking vengeance on their enemies. They rest their case on the Old Testament. The parts in which they rejoiced were those in which God is represented as a jealous God whose wrath is a terrible reality. He hates idolatry and suffers His people to punish idolaters. . . . To the Puritans in England and Scotland this example was one to be followed, and they therefore had no hesitation in burning, hanging and imprisoning those whom they regarded as the enemies of the Lord".[1]

This is true of the Scots Presbyterians, and specially true of one so thorough going in his Presbyterianism as Wariston was. In him the very spirit of the Old Testament is incarnate, and examples may be multiplied from the Diaries. He speaks of Cromwell as Rabshakeh and is sure that he will meet the fate of that proud boaster in the Old Testament. He reads the history of his own time in the Book of Kings, and voices his own complaints in the language of Job and Jeremiah. He has recourse time and again to casting the lot, believing as implicitly as any Old Testament patriarch that the will of God is to be known by this means. And what has been quoted above concerning the justification of persecution gives us a key to understanding some of his actions. Commenting on Wariston, Mathieson[2] says that he was "probably the worst conventionally/

1. The Legacy of Israel. 415.

2. Politics and Religion in Scotland. II 145.

ventionally good man that ever wielded political power in Scotland. He was perfectly honest, perfectly devout, perfectly fanatical and cruel. From first to last in every extravagant and merciless proceeding that disgraced the cause of the Covenant Wariston took the lead. In 1641. . . . he pursued Traquair and the other so-called incendiaries with the most ferocious and persistent malice, calling it 'a shame that any, let be so many of us, should yet be pleading for them'". (Hailes' Memorials). Mathieson writes as an Episcopalian and has little sympathy with the Presbyterian point of view. Cruel, in his personal character, Wariston was not. The pages of the Diaries reveal an affectionate husband and father.. Quick-tempered he certainly was, but no one was more conscious of it or more quick to repent than he himself. But he inherited in large measure this legacy of the Old Testament spirit, and his "cruelty" was but his thorough-going application of it to the political and religious necessities of his time. "Thorough" was characteristic of him as of another contemporary statesman. Whatever he did he gave his whole heart to, and it was just because he carried out to their logical conclusions the ideas of the Presbyterianism of his day that these charges can be made against him. If he showed much of the steel hand and little of the velvet glove, his times surely needed it. "Fortiter in re", he was not always "suaviter in modo". The

King/

King hated him and took no pains to conceal his dislike. But this is rather a tribute to Wariston, when one remembers the character of Charles. Wariston had not Alexander Henderson's gentleness and sweet reasonableness, but one may question whether the Covenanters would have achieved the measure of success they did achieve had Henderson and the other leaders been without the firm purpose and unrelenting zeal of Wariston. It is easy to judge and condemn him from the standpoint of our later and more peaceful age, but his times were far different from ours, and the men he had to deal with needed to be firmly dealt with. Mathieson calls Wariston the Andrew Melville of the Covenant. Let it be so. Then Professor MacKinnon's estimate of Melville may be applied to his successor. "Despite his choleric extravagance, Scotland owes much to the independent assertive spirit which made Melville the foe of royal dictation in matters of conscience, the ever watchful opponent of the arbitrary courses to which James was so much addicted. It was well . . . that there was such a resolute voice to utter the words 'Thus far and no further'. He might have done so less offensively, more courteously on occasion. Let it serve as his apology that in such an age it is only the rugged pugnative temperament that can suffice for such a mission as his. Had the nature of him been less impulsive, less self-reliant, he would have made no impression at a time when the defence of conscience/

conscience depends on being fully persuaded in one's own mind".[1.]

This is true of Johnston of Wariston as it was of Melville. Narrow and fanatical he may be called, but it needed the narrowing of the stream to furnish the driving power necessary in such an age to sweep away the arbitrary authority of a despotic monarch.

Along with this estimate may be placed that of Burnet. "He was a man of great application, could seldom sleep above three hours in the twenty four. He studied the law carefully, and had great quickness of thought with an extraordinary memory. . . . He looked on the Covenant as the setting of Christ on His throne and so was out of measure zealous for it, and he had an unrelenting severity of temper (substituted for 'the fury of an inquisitor') against all that opposed it. . . . Presbytery was to him more than all the world".[2.]

These words are true of the man who stands revealed in the Diaries. Zeal for the Covenant, the setting of Christ on His throne, consumed him. Of all the workers in the cause, he was the most indefatigable. Not Henderson, not Argyle, but Wariston was the driving force in the long struggle. From the day when he was appointed Clerk of the Central Table, he flung himself with all the force of his personality into the cause of the religious liberty of his country. That liberty may/

1. MacKinnon. Liberty III 210-211. 2. Aery's Ed. 1897. 43-4.

may have been narrowly conceived and he may have denied to others who differed from him what he claimed for himself, but so he understood the Cause. While others slept, he watched and worked. It was he who maintained the secret service by which the designs of the King were anticipated in Scotland. It was he who at more than one critical moment searched for and found the legal records which turned the scale against the King. It was he who was ready with Protestations to answer the royal decrees. The National Covenant and the Solemn League and Covenant were his handiwork to a greater degree than has been suspected. And he knew the risk he ran and the penalty he might have to pay. One writer remarks "He played a game for high stakes, a game he knew to be dangerous, though it proved more fatally dangerous than he thought. For a time he carried off the prizes; in the end he paid the bitter price. We should have thought not less of him if he had been less effusive at his trial and after it in his prayer for the King, whose cause he was never forward to help".[1]

This is grossly unfair. Wariston gave up his private practice for the cause and reduced himself and his family to beggary in its interests. It was to him no game but a high venture of faith, and he knew the peril from the first/

[1] Provand. Puritanism in the Scottish Church. 100.

first. He anticipated and was ready for the bitter price he had to pay in the end. And if he prayed for the King at his trial, it was not for the first time. He was no hypocrite. He fought against Charles II as he had done against Charles I because he was convinced that a patriot could do naught else, but time and again entries in the Diary[1] contain prayers for the King, and in a pamphlet of later date he repudiates the suggestion that he was averse to supplications for him.[2] Like the majority of his countrymen he was sincerely attached to the Throne and only the dictates of conscience flung him into opposition. It is true that in the later phases of the struggle he and his party appear as fanatics of the narrowest type and were largely responsible for the tragic dissension which ruined their cause, but this was only because of his absolute loyalty to what he conceived to be principle. He had the defects of undoubtedly good qualities and he is on the whole worthy of pity rather than condemnation.

With regard to the man's personal character, no one of his generation has drawn his own portrait so clearly and with such a wealth of detail as Wariston has in his Diary. To its pages he has confided his inmost thoughts, telling not only the story of current events but the history of his own soul/

[1] e.g. Diary III 135. [2] Nullity &c. p.33.

soul and God's dealings with him. His prayers and meditations, his varying moods, are all written down. We see a man whose engrossing interest is religion. A large part of the record is entitled "Memento quamdiu vivas" and it is the outpouring of his soul to God. It is full of recognition of Providence, of introspection which often becomes morbid, of self-depreciation as a man voices his confession of his sins to God. We see him with his highly strung, nervous temperament, with frequent shudderings and tremblings, emotional in a high degree, always at prayer, privately or with his family or with friends, never satisfied unless tears come with his devotions, sometimes praying for an hour, sometimes ejaculating prayers. There are prayers that are touching in their simplicity, prayers that fling a peremptory challenge to the Almighty, prayers that are unduly familiar, as when, hearing of Monk's arrival in Scotland he desires grace to warn our Lord Jesus Christ that an enemy of His was coming to command this piece of His confederate land and His remnant.[1] We see him with his sudden bursts of passion striking a beggar who had asked for alms, then immediately repenting and seeking the man and helping him. And we see him also determining to keep his temper in control when dealing with Cromwell about the Registers. He is a man who seems made for strife and contention and is bitterly opposed to/

[1] Diary III 237.

to ministers of the other party, yet he can appreciate the sermons they preach. A strange mixture, but he brings to the national crisis a heart that is sincerely religious and powers dedicated without the shadow of reserve to the cause he has at heart. If one might sum him up in a single word, that word might well be "Force". It might be "Enthusiasm" did that word not carry with it something of the temporary and the uncertain. There was no suggestion of that in Wariston. His zeal for the Covenant never failed and it carried him headlong in his course. Carlyle's description of him as a "canny" lynx-eyed lawyer[1] is wide of the mark, for he recked nothing of consequences. He kept to his chosen path with unswerving purpose and that path was straight almost to the end. There was one change, when towards the close of his career he took office under Cromwell, but until that time he lived his public life wholly in the interest of the Covenant and from it no inducement of friendship or national emergency availed to draw him. All that he was, all that he had, he laid upon that altar, and, whatever men may say of it, to him it was a holy sacrifice.

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[1] Cromwell's Letters &c. clxxii

Chapter II.

The Beginning of the Strife.

Light is shed by his own story on the way in which he was first drawn into the strife. He had had in his youth serious thoughts of the ministry as his life's work, but he felt that his gifts better fitted him for disputing pro and contra than for teaching solid grounds, and that he dared not take on himself the burden of more souls than his own.[1] He feared also that he would have no utterance in preaching, and that he was incapable, from his natural impatience, of the necessary work of catechising. It was urged by his brother-in-law that he might serve God and do good in the Advocateship,[2] and this decided him.

His first reference to what was to prove a national crisis is as follows, "On Wedensday last of May (1637) the Sinod held in Edr. for to receave the service book, the image of the beast, against the quhilk som gaive ane testimonie to the treuth".[3] Then on 7th July he writes that Mr David Dickson and Mr John Livingstone came to consult him about the danger of/

[1] Diary I 135. [2] ibid. 118. [3] ibid. 258.

of not receiving the Service Book. He adds that "Mr David said a prayer instead of gold, recomending me and my familie to the Lord, praying for strenth in the day of tentation and direction in the tyme of confusion; after the quhilk prayer I was mooved in my familie and in privat, casting lyfe, estait, naime, credit, calling, hoopes at the Lord's feet".[1]

One may be allowed to speculate about this incident. Why did Dickson pray specially for Wariston that he should be given strength in the day of trial, unless that they had decided that day to cross the Rubicon and disobey the King's command? And the family prayer which followed, casting everything at the Lord's feet, was it the definite acceptance of the hazard? It seems, reading between the lines, as if this was the day on which Wariston definitely took his stand for the religious liberties of his country. Henceforth he was to be heart and soul with those who dared to protest against the unconstitutional methods of the King.

Matters came to a climax in St Giles on 23rd July when the pent up feelings of the people found vent in the well known outbreak against the Service Book and the Bishops. Wariston was not present that day, but he gives a short account of what happened, adding, "This uproar. . . . in al historie will/

[1] Diary I 262.

will be remarqued as the faire, plausible and peacible weal-come the Service Book receaved in Scotland".[1] He was at Currie that Sunday, and he seems to take it as a grudge against Providence that he was denied an opportunity of playing a part in the business, but he felt reproved by remembering Jonah's gourd and feels assured that his opportunity will come later.[2] Under date 5th August he prays for direction in his attitude towards the Service Book, "hou to cary myselth if ever I be brought to ane particular tryal and confession of his treuth thairagainst", and also that he might be enabled to serve in his particular calling. He does his part in answering his own prayer, for in various entries in the Diary we find him devoting himself to an intensive study of the question in its legal bearings. He reads and expounds to his family the King's Confession of 1580 against Popery. In October he is one of the Commissioners for Currie against the Service Book and subscribes the supplication for its abolition. In November he is so far a marked man that he is told of a design to lay on him the charge of pleading the cause of the noblemen and the city of Edinburgh in case of trouble with the King.[3] To this he is not averse, and he proceeds immediately to study the Acts of Parliament that he might gather from them "the powerfullest, clearest/

[1] Diary I 265. [2] ibid. 266. [3] ibid. 273.

clearest consequences which may further the work in hand of re-building the Lord's House and casting down of Anti Christ's Kingdom which some cursed miscreants would restore in this land". He concentrated on the point of the King's prerogative, his power to obtrude religious changes on the Church. It was a delicate matter, and dangerous for a subject to meddle with, but after eight days he finished his task and found satisfaction in it.

During the days which followed, Wariston came step by step to the front rank of the opposition, the spear head in its attack on arbitrary power. After the first outbreak of violence, the party proceeded to express its protest by constitutional and legal action. It was an old Scottish custom to register their opposition to oppressive legislation by supplication and protestation,and this method was now adopted. The Privy Council had been inundated with protests from all classes against the Service Book, and they had reported to the King, at first minimising the outbreak, but later, as the volume of protest increased, requesting his Majesty's advice. The royal answer sent on 10th September simply scolded the Council, ignoring their hints of widespread dissatisfaction, and reiterating the command that the use of the Service Book should be continued.

Again the Council wrote, emphasising the danger,

and/

and the King's answer came on 17th October. From a friend at Court, Wariston had received private information of the date of the letter's arrival, and he immediately sent out the fiery cross summoning the leaders of what is now the national party to rally to Edinburgh. His summons was answered from all parts of the land. The tone of the King's letter was peremptory, ordering all strangers to leave the city within twenty-four hours and dispensing with the Council in ecclesiastical affairs.

It was a fatal mistake. The letter caused a riot. It also forced the protesters to further and more drastic measures. At the beginning of December they decided to take advice from four of the leading lawyers of the day, and asked Wariston to give his assistance. The request was brought to him by Lord Loudon and he willingly complied, declaring as he did so that no worldly motives prompted his action, and that the Lord should be his only rewarder. He records the first meeting with Counsel on December 8th. If, as Dr G. M. Paul suggests[1], Wariston was called in as Junior Counsel to prepare papers, his soon came to be the principal part in the business, and from this time onwards he was the inspiring and directing force in the controversy with the King.

We/

[1] Diary I Introd. xxviii.

We find him on December 11 discussing with Rothes and Loudon the Declinator, and with Balmerino the "new bill", documents presented to the Council in furtherance of the protesters' policy, and his seems to have been the hand that drew them both up. The Historical Information, also, prepared by the party to vindicate their actions, and contained in "Rothes Relation", owes its final form to him. There was some difficulty in this matter with Counsel, who protested that it was "superfluous and danger-rubbing on the King"[1], and Wariston thinks it was through jealousy of him, but in the end it was settled amicably.

Meantime the gathering which Wariston had summoned to Edinburgh had taken to itself permanent organisation. In order that they might be ready to meet any move on the part of the King, and adopting a suggestion of the Privy Council that they should elect a few of their number to act for them, committees were appointed of each class, nobility, gentry and burghs, known as The Tables, with a Central Table representative of them all, and of this latter Wariston was appointed Clerk.[2] It was a momentous step, for the opposition was now consolidated and organised, with greater power to bring the national dissatisfaction to bear on the Government. Wariston's/

[1] Diary I 304. [2] Rothes Relation 69.

ton's position as Clerk of the Central Table gave him new opportunities of impressing his own convictions on his fellow members and influencing the policy of the party. And this influence was thrown actively and persistently against the Bishops. There were men in the camp like Robert Baillie, who, while opposing the tyrannical acts of the King, had no personal animus against the Episcopacy. Not so Wariston. He tells Lord Loudon that he objected to "any mitigatory declaration in favour of the Bishops' persons"[1] and he reasoned two hours with Balmerino to the same purpose. And what he thought then, the whole party was to think later.

The King's answer to the Protest and Declinator was brought down by the Treasurer in February 1638. Its purport was kept secret and it was to be read at Stirling in order to prevent any protestation being made against it. In it the King took on himself the whole responsibility for the Service Book. The attempt at secrecy failed. Once again Wariston was informed by friends at Court of its contents and of the royal intention to seize the leading protesters, and when the letter was read at Stirling, it was immediately answered by a Protest drawn up by his hand. Two days later he himself read the same protest in Edinburgh.[2]

The record in the Diary for these critical days is/

[1] Diary I 287. [2] ibid. 318

is one of constant watchfulness and labour. He is not merely Clerk to the Central Table, the amanuensis of the leaders of the party, he has become the real, if not the nominal leader. From his fertile brain comes the plan of campaign, he it is who stiffens the opposition when other men would take more lenient measures, to him they owe the knowledge of the King's intentions and their power to anticipate them. And Protestation and Supplication and Declinature are all his work. Men like Henderson and Rothes may appear to be the principal actors in the drama, but it is Wariston's voice which carries most weight and Wariston who is responsible for the trend and power of the party's policy.

Chapter III.

The National Covenant.

The King's Declaration of February 19 brought matters to a crisis. If Charles accepted responsibility for the Service Book, then it is he whom the national party must face. And if he forbids meetings of protest on penalty of treason, then a desperate step must be taken. The danger for the protesters was division in their own ranks. The King's spokesman, Sir Lewis Stewart, urged that some expression of regret should be forwarded to the monarch and that they should offer to follow any way the King would prescribe,[1] and among a people so loyal as the Scots, this suggestion found favour. It was a critical moment, and it was Wariston who decided the issue. He exposed their "many absurdities" to the noblemen and then to the barons, and his views met with whole-hearted approval. The outcome was the well known National Covenant. The Covenant was an old Scottish usage, now impregnated with a new spiritual meaning, and became a public promise to God after Old Testament fashion to be faithful to His law and guidance.[2]

Baillie/

[1] Diary I 318. [2] Lindsay, Reformation II 289.

Baillie states that "the noblemen with Mr Alexr Henderson and Mr D. Dickson resolwe the renewing of the old Covenant for religion",[1] but it is more probable that the idea came from Wariston. We know that he had been for some time studying the very matters which appear in the Covenant, and he probably suggested this course as the only way of maintaining their unity in the face of imminent danger. "The insupportable burden of drauing up the Band, quherby al sould be linked together after subscryving of the Confession of Fayth was laid upon my weak schoulders".[2]

The Covenant consists of three parts. The first is a copy of the National Covenant of 1580: the second a recapitulation of the Acts of Parliament against Popery and confirming the liberties of the Church: the third brings it down to date with such additions to the old Covenant "as the corruptions of this time necessarily required to be joined". Historians have hitherto believed that while Wariston was responsible for the second part, the final portion was done by Alexander Henderson, but from the Diary it appears that the whole was done by Wariston with perhaps some advice from Henderson. He and Henderson, he says, scrolled the narrative of the Band on the Friday evening, February 23rd, and, after labouring/

1. Letters. Laing's Ed. I 52.

2. Diary I 319.

labouring at it on the Saturday and again on Monday, "I got by God's great assistance al digested in three heads, quhilk was approvin by the Committee apoynted to reveiu them".[1]

Of the Covenant, which occupies so commanding a place in Scottish history, much has been written. Here we need only say two things -

1) that it was but natural, when we remember the Old Testament legacy in Scottish character, that the national uprising should take this form. "The Old Testament is the expression of an intense nationality, a nationality consecrated by faith and guarded by a sense of loyalty to the living God". (Martineau). These men had been nurtured in its spirit, and it was this spirit which found expression in this action in their time of crisis.

2) It may be said that while the King's Large Declaration may logically challenge the action of the Covenanters and demand the authority by which the Band was entered into, there are occasions on which law must give way to national necessity. Necessity knows no law. "Who shall judge between the King and the people", asks Samuel Rutherford, "when the people allege that the King is a tyrant?" When the choice has to be made between law and justice, between royal despotism and national liberties/

[1] Diary I 321.

liberties, there is but one course for men to take, and we cannot condemn Wariston and his friends.

In its reception by the country, the Covenant exceeded the most sanguine expectations of its framers. Some there were, men of the type of Robert Baillie, who found difficulty in signing. Its third section, as originally drafted, demanded the "suspension" of all novations in worship, and condemned the Episcopal form of Government. To meet objections, the word "forbearing" was substituted for "suspension", and the condemnation was applied only to the corruptions of the Bishops' rule. Wariston would have left the words as originally written, and had prepared an answer to Baillie's objections, but he did not insist on his point, and with these alterations the Band was agreed to.[1]

On Wednesday, 28th February 1638, "that glorious mariage day of the Kingdome with God", as he calls it,[2] the historic act took place, and Wariston played in it the principal part. "The noblemen haiving apoynted the body of the gentrie to meit at tuo hours in the Grayfrear Kirk to hear bot copyes of it read and to aunsuear objections, I propons and resolves to haive the principal ready in parchment in al hazards, that in cais of approbation, it might be presently subscryved. I mett/

[1] Diary I 323. [2] ibid. 322.

mett al the gentlemen in on troupe going up the cassie to the Kirk. I resolved to read and did read the parchment itself publikly, quhilk, after som feu doubts of som, was approvin".[1] It was signed that day by the noblemen and barons, and on the following day by the ministers.

It is not necessary to dwell long on what followed. The Diary gives a graphic account of the enthusiasm in the church at Currie, when Mr John Charteris read the Covenant to the people and asked them to sign it. There fell, the Diarist says, such an extraordinary influence of God's spirit on the whole congregation, melting their frozen hearts, watering their dry cheeks, changing their very countenances, that it was a wonder to see so visible a change upon all. "Mr Jhon, being suffocat almost with his auin tears, and astonished at the motion of the whol people, sat doune in the pulpit in ane amazement, bot presently rose againe quhen he sau al the people falling doune on thair knees to mourne and pray, and he and thay for ane quarter of ane houre prayed verry sensibly with many sobs, tears, promises and voues to be thankful and fruitful in tym-coming".[2] Similar scenes were witnessed in Edinburgh when the Covenant was read in church by Mr H. Rollo, and Wariston closes the record of them with the words, "O Edr., O Edr., never forget this first day of Apryle, the gloriousest day/

[1] Diary I 322. [2] ibid. 328.

day that ever thou injoyed."

It was a great event in Scottish history. The Covenant welded the nation into a unity and gave a passion to the national resistance which was as temper in a sword-blade. Henceforth the King has to face a determined national will that nothing can break.

The pages of the Diary afford here further evidence of the all-important part which Wariston is now coming to play in the counsels of the Covenanters. It is to him the leaders turn for advice, and it is he who is first to take action. In answer to some vacillating signatories in Glasgow he insists that there must be no reservation of opinion as to the terms of the Covenant, and that the full intention of these must be agreed to. He is largely responsible for the fact that the attitude of the party now becomes actively hostile to the Bishops. Some men would be content with a modified Episcopal form of Church government. Wariston's whole weight is thrown into the other scale. An active step in this direction was now taken in the induction and ordination of ministers by the hands of the Presbytery alone without the consent of the Bishops, a deed which gave great offence to the King.[1] The first instance occurred in Prestonpans, and shortly afterwards Wariston/

[1] Large Declaration, 116.

Wariston wrote two treatises on the legal aspect of the matter, for which he thanks God who deigned to use him as the sole instrument in His hand for the legal recovering of the Church's liberties.[1] Only one thing will content him, and he does not conceal the thought, viz: - "the utter overthrou and ruyne of Episcopacie, that great grand-mother of al our corruptions, novations, usurpations, diseases and troubles".[2] And his vision travels beyond his own country. It may be the Lord's merciful end so to perfect this Reformation of ours that it may be even the pattern to other nations of the purity of doctrine and worship and liberty of discipline and government in God's house and Church, and so thereby strike as it were at Episcopacy, the root of Papacy. These thoughts were to bear fruit later in the Solemn League and Covenant.

The King had now to take some step to assert his authority, and, if possible, allay the discontent, and the Marquis of Hamilton was sent down to Scotland as his Commissioner. Hamilton was authorised to make some concessions in order to give Charles time to take stronger measures with his rebellious subjects. On condition that the Scots renounced the Covenant, Parliament would ratify most of its essential contents, and an Assembly/

[1] Diary I 334. 338. 340. [2] ibid. 347-8.

Assembly would be called to consider certain specified matters, but these only. Baillie[1] states that it was Henderson who gave reasons against the acceptance of these terms, but we now know from the Diary that it was Wariston who led the opposition, and told them that the judgment of God and not his blessing would fall on them if they should agree to them.[2] Some manoeuvring for position followed, and the negotiations were protracted throughout the summer, Charles offering to water down the objectionable enactments of High Commission and Service Book and to hold an Assembly limited in composition and discussion. His opponents were adamant. Two documents, drawn up by Wariston and Henderson, showed how their opinions had hardened and the controversy had broadened. One was entitled "The least that can be asked to settle this Church and Kingdom in a solid and durable Peace". This was for general circulation. The other was meant for the King, and bore the title "Articles for the present Peace of the Kirk and Kingdom of Scotland". They demanded the withdrawal of the Canons and Service Book, the abolition of the High Commission, and the calling of a free Assembly. Hamilton's Declaration of the royal terms on 4th July was answered by a Protestation which Wariston had drawn up. In the Diary he calls the Proclamation "a/

[1] Letters. I 84. [2] Diary I 350.

"a damnable piece".[1] In the name of the Covenanters he declared their adherence to their Band and to a free Assembly and Parliament as the only proper judges of national causes and proceedings. In accordance with later instructions from his royal master, Hamilton agreed to call an Assembly, but it was to be so prelimited that they would not accept it on his terms.

In the end the King yielded, after making an abortive attempt to substitute for the National Covenant the Confession of Faith of 1580. This had been, as we have seen, embodied in the National Covenant, and the King republished it now without Wariston's addition which banded the signatories together to resist the King's innovations in worship. It was an astute move to cause division in the Covenanting ranks. Wariston writes of it[2] "I thought I sau the horiblest atheisme, perjurie, mockage of God in it that ever I could imagine".

During these negotiations, while the Covenanters were making preparations for the holding of an Assembly, there were some steps taken which were of vital importance to the success of their plans, the credit of which is due mainly to Wariston.

It was he who insisted, in opposition to the King's/

[1] Diary I 360. [2] ibid. 393.

King's wishes, and contrary also to the opinion of some Covenanting ministers, that in the election of Commissioners to the Assembly the laity should have a voice as well as the clergy. The question threatened for a time to cause division in their ranks, for the clergy was jealous of the growing power of the laity and thought this suggestion a menace to their own prerogatives. In this they were encouraged by the King, glad of an opportunity to foment disunion. It was Wariston who was able to "clear the question from the Second Book of Discipline and Act of Parliament 1592, which did much good and settled us all in unity".[1] Apart from the constitutional rectitude of this decision, it helps, he notes, to maintain discipline and to hold Episcopacy at the staff-end.[2] He was responsible also for the instructions sent publicly to Presbyteries and privately to trusty individuals to appoint as Commissioners only those who were well affected towards the cause. These instructions were challenged by Hamilton at the Assembly as a packing of the Court, and so they were. We shall hear more of this practice later, and Wariston's objections to it when his own party are the objects of it. But it had been the royal method and the King had little cause to complain. James had prelimited the Linlithgow Assembly of 1606 and that at Glasgow in/

[1] Diary I 375. [2] ibid. 378.

in 1610 in the same way. And the Covenanters might claim that in acting as they did they had the great majority of the public with them, and that Commissioners so elected would represent the convictions of the nation as a whole.

With regard to the presence of the Bishops at the Assembly, Wariston played an important and not altogether a creditable part. The King desired that they should be summoned to sit as members of the Court, Wariston and his party were as determined that they should be summoned, but to stand their trial. To this end he issued instructions to Presbyteries to refer to the Assembly complaints against the Bishops which, it had been arranged, should be sent to them.

His action in the matter is open to criticism. Whatever faults may be laid to the charge of the Bishops, the libel was a legal monstrosity.[1] It was read in the Presbytery of Edinburgh by Wariston himself, although the Presbytery had no right to libel a Bishop outside its own bounds, and the same procedure was adopted in other Presbyteries. And it slumped all charges that could be raised against each of them individually into a general charge against the whole Bench. It was sharp practice and is not to be excused even by the passions of the hour. The truth is that the Covenanters had determined to get rid of the Bishops, and nothing was allowed to stand in the way.

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[1] Orr. Alexander Henderson. 170.

Chapter IV.

The Glasgow Assembly.

There is little said in the Diary concerning the Glasgow Assembly, one of the most momentous in the history of the Church. Wariston's various duties left him little time for recording events, and he says he was "mightily distracted".

When the Assembly met, Henderson, according to Baillie "incomparabilie the ablest man of us all for all things," was elected Moderator. He had proved his worth, but probably the unanimity of his election owed something to Wariston's advocacy. He records in the Diary that he had shown Henderson the absolute necessity that he must be Moderator, and tells how he "went through the noblemen and barons and made every one sensible" of the high impression he himself had of him.[1] Wariston was, after some anxiety on his own part, elected Clerk. "Mr Johnestoun to us all" says Baillie "was a Nonsuch for a clerk". One of his first acts was a memorable and spectacular one, the production of the long lost Registers of the Kirk. The Covenanters would have been placed at a grave disadvantage/

[1] Diary I 400.

disadvantage had they not been able to defend their actions by appeal to the enactments of past Assemblies, but the records had been missing for many years. To the amazement and delight of all they were produced by the Clerk. He explained that he had received four of them from Alexander Blair, writer; the other was brought to him by Mr David Aytoun, "the first volume of the Books of the General Assembly which we have been seeking these many years and could never hear tell of till now".[1] This entry in the Diary is followed by an exclamation of thankfulness. It was, he says, a solid foundation to us, without which we would have seemed to have built upon sand, so it was a sore cut-throat to our enemies and their cause.

The work of the Assembly was, from Wariston's point of view, eminently satisfactory. At one stroke the whole edifice reared by James and Charles was swept away, Bishops and Service Book, High Commission and Perth Articles. The Moderator summed up in a well chosen word the work of the eventful days, "We have now cast down the walls of Jericho: let him that rebuildeth them beware of the curse of Hiel the Bethelite".

It was a landmark in Scottish history. And the man who more than any other helped to bring it about was Wariston. "In the great committe . . . I cleired al thair mynds that/

[1] Diary I 402.

that Episcopacie was condemned in this churche. I dreu it up in a lairge treatise by God's assistance, as lykwayes anent the articles: in the Assemblee I scheu al the warrants and read the verry acts themselves out of the registers and ansuered al objections . . . the Lord maid the acts so to convince thair mynds that every man's mouth acknouledgit that they had been abjured and removed; and, quhen I was reading the roll and heard no word bot 'Abjured and Removed' I was stricken with admiration, and yit my thoughts fails to aprehend that great and wonderful work of God, and yit my ears sounds ever with thes words (Abjured and Removed) Abjured and Removed".[1]

That the work which he had done was appreciated by his party was evidenced by the fact that before the Assembly closed he was appointed unanimously Advocate for the Church.

The Glasgow Assembly was from one point of view revolutionary. But it resulted really in regaining for the Church some of her ancient prerogatives. Ever since the Reformation she had claimed the right of calling her own Assemblies. "Tak from us the freedom of Assemblies" said Knox"and tak from us the Evangell". Wariston was also right in appealing to history as to the claim of lay elders to sit in the Assembly/

[1] Diary I 403.

Assembly. In the early days elders drawn from the ranks of the nobility and gentry had outnumbered the ministers, but in later days the practice had ceased. Now they rallied to the Church in the national crisis and there was nothing unconstitutional in the demand for their presence.

Chapter V.

The First Bishops' War.

The Glasgow Assembly was a victory for the Covenanters, but they could not expect that Charles would accept it with good grace. In his view their action constituted sheer rebellion. In drawing up the Covenant they had infringed the royal prerogative; they had inserted in it a bond for mutual defence against all persons whatsoever, which contained a hint, but thinly veiled, of consequences to himself: they had refused to break up the Assembly at his command. If his authority was to be anything but a farce, he must vindicate it by force of arms. So on 26th January 1639 he summoned his English nobles to his standard at York to defend England, as he said, from invasion by the rebellious Scots.

The force that answered the King's summons had no enthusiasm for his cause and were little else than an undisciplined mob. The Covenanters on the other hand, when the call to arms was sounded, had behind them practically a united nation. Scottish soldiers of fortune serving abroad were recalled, and an army equal to that of the King in numbers and far surpassing it in morale under the command of Alexander Leslie/

Leslie, who had learned the art of war under the great Gustavus, was soon at Duns, barring the road to Edinburgh.

A fragment of Wariston's Diary covers the period from 21st May 1639 to the conclusion of peace, and gives a detailed account of each day's happenings. Along with Henderson he was attached to the army as representing the Church, and played an important part in the negotiations with the King. Some of his letters to the Shires at home betray a somewhat alarmist estimate of the weakness of the Scottish army, and draw attention particularly to their lack of cavalry. Of actual fighting, however, there was none. Charles' advisers were too keenly aware of the risk of giving battle with such troops as they had, and the Scots had no burning desire to humiliate their King. Mathieson[1] says "Happily for Charles the Scots had no wish to rouse England by defeating its King", but it was not their fear of England but their loyalty that kept their swords in sheath. Nothing is more characteristic or more pathetic than this spectacle of men in arms against a monarch whom they still revered. We find it in Baillie's Letters, and he but expresses the prevailing sentiment, "Yea, had we been ten times victorious in set battles, it was our conclusion to have laid down our arms at his feet and on our knees/

[1] Politics and Religion, II 6.

knees presented not but our first supplication. We had no other end of our wars . . . we desired but to keep our own in the service of our Prince as our ancestors had done: we loved no new masters".[1] The pages of Wariston's Diary in later years echo Baillie's words. Forced as he was to rebel against his sovereign, his heart never lost its love for the house of Stuart.[2]

It was this that urged the Scottish leaders to seek to come to terms with Charles. At first the King refused, but later six representatives went from their camp to the royal tent. At the first conference Wariston was not present, but the Diary records the conditions drawn up by him, on which alone a settlement could be reached, the ratification of the Glasgow Assembly, the abolition of Bishops, and the regular holding of Parliaments. In these and the subsequent negotiations inspired by him, we can see the ecclesiastical politics which were implicit in his earlier actions and arguments, and were gaining strength and clarity as events succeeded one another. He has come to see that the question of the relations between Church and State can only be settled on the principle "that all matters ecclesiastical be determined by the Assemblies of the Kirk and matters civil by the Parliament and other inferior judicatories established by law".[3] Supplementary/

[1] Letters I 215. [2] Diary III 135. [3] ibid. II 79.

ary to this, when the King contended that no Assembly could meddle with what was established by law, Wariston answered that Parliament could not make ecclesiastical laws, but only sanction those made by the Assembly, and when the King rejoined that no ecclesiastical ordinance could be effective if it was not ratified by Parliament, he was told that at any rate it carried ecclesiastical if not civil authority. Charles put forward three questions to which he demanded an answer; (1) Had the King the indiction of the Assembly? to which they answered that he could sanction the calling of Assemblies but that he could not forbid them: (2) Had he a negative vote in the Assembly? He was answered that he had not, and that for twenty years he had not even an affirmative vote: (3) Had he power to discharge Assemblies? They answered, No.[1]

The Covenanters' arguments on these points are given in extenso in the Diary and reveal their endeavours to gain for their Church the right of self government. Wariston is seeing, but only as in a glass darkly, the true solution of the vexed question of the relations between Church and State. Many ages were to pass before a satisfactory solution was found, but he gropes after it in this demand that ecclesiastical matters be decided by the Assembly and matters civil by the State/

[1] Diary II 80-81.

State. But he cannot, from the circumstances of the time, be thoroughgoing in the application of the principle. He has to add[1] a desire for the ratification of the Acts of the late Assembly in the ensuing Parliament, because the civil power is keeper of both Tables, and whereas the Kirk and Kingdom are one body consisting of the same members, there can be no firm peace nor stability of order unless the ministers of the Kirk in their way press the obedience of the civil laws and magistrate; and the civil power add their sanction and authority to the constitutions of the Kirk. The principle is also vitiated by his demand that all the censures of the late General Assembly be followed with the civil punishments according to law, and all excommunicated persons may not only be declared rebels but also be banished from his Majesty's dominions and be punished exemplarily and extremely for their treason against the Kirk and the King and Kingdom.[2] Wariston with all his good intentions cannot free himself from the web in which the thought of the age was entangled.

After much discussion, in which Wariston's outspoken opposition drew on him the anger of the King, Charles gave answer to the Covenanters' demands that though he could not ratify the Acts of the pretended Assembly at Glasgow, all matters/

1. Diary II 76. 2. ibid. 72.

matters ecclesiastical should be determined by the Assembly and matters civil by Parliament, and that Assemblies should be held once a year or as should be agreed upon at the next Assembly. He also promised that a Free General Assembly should be held in Edinburgh on the 6th August and a Parliament on the 20th for ratifying the Acts of the Assembly.

This promise seems fair enough, but the words used were much too general to be satisfactory. Into the words "matters ecclesiastical" the King read one meaning, the Scots another. Was the arraignment of the Bishops ecclesiastical or civil? The Scots would emphatically say ecclesiastical, Charles would deny it. And a "Free" Assembly to the Covenanters meant an Assembly composed of members elected freely by Presbyteries and excluding the Bishops. This was not by any means the King's interpretation of the term. That the Scots were alive to the dangers of their position was evidenced by the fact that immediately after the close of the conference they drew up a Narrative of the discussions, entitled "Information against all mistaking of his Majesty's declaration". This they circulated broadcast both in England and Scotland, and it gave their sense of the King's concessions. Charles' opinion of it is shown in the fact that he caused it to be burned by the common hangman. Wariston and his friends could have been under no illusion as to the unsatisfactory issue of the conference/

ference. The Pacification could not bring peace. He records in the Diary that on his return to Edinburgh he found many grieved with him and his fellow-Commissioners.

That their suspicion was not ill-founded soon became manifest. The Assembly was called for 12th August, a postponed date, and Bishops and Archbishops were summoned to take their places as members. Against this the Scots protested as a violation of the promise of a free Assembly. In reply the King ordered the prelates not to attend, sending them at the same time a letter saying that he would yet find some way of restoring them. He advised them also to prepare a protest against the Assembly and Parliament and to send it privately to the Commissioner. His instructions to the Commissioner, Traquair, were that he was to declare that the King, against his own inclination and for the sake of contenting his people, would permit the Assembly to deal with the Bishops, and that, if they required Episcopacy to be abjured "as contrary to the constitution of the Church of Scotland", he was to agree. Charles would not consent to its being abjured "as a point of Popery or contrary to God's law or the Protestant religion"[1], which would have condemned it in England as well as in Scotland.

The Assembly sat from 12th to 30th August and re - enacted/

[1] Peterkin. Records I 233.

enacted what had been done at the Glasgow Assembly. The Book of Canons, the Liturgy, the Perth Articles and the Court of High Commission were all condemned, and Episcopacy declared to be unlawful in the Scottish Church. The Assemblies 1606-1618 were declared null and void.

The wine of liberty is heady and it is perhaps this which explains two pieces of legislation enacted by the Assembly in which the Covenanters show to little advantage. One was an Act for imposing the Covenant on all his Majesty's subjects in Scotland. It is a pity that men who stood for liberty and protested against coercion in matters of conscience should play the tyrant towards those who did not agree with their doctrines. It was a regrettable act and was destined to bring forth bitter fruit in years to come.

The same fierce intolerance is shown in another Act of the Assembly. A book entitled "The King's Large Declaration" giving the royal version of the actions of the Covenanters and revealing them in no flattering light, had been published by Balcanquhal, Dean of Durham. The Assembly ordered a reply to be drawn up in the form of a Supplication to the King, exposing the lies and calumnies of the book and demanding that all who had a hand in its production should be sent to Scotland for trial and punishment. The threats of hanging uttered in the Assembly are a poor tribute to the spirit which

was/

was beginning to possess the members.

At the close of the Assembly, Parliament met, but was almost immediately prorogued, for Charles had no wish to have the Assembly's Acts confirmed. Against the prorogation Wariston read a protest on the ground that it was contrary to the treaty. It met again on 2nd June 1640 and continued to legislate in spite of a further order of prorogation. Its principal business was the reconstitution of the Estates, from which the Bishops were now excluded. Their places were filled by dividing the nobles into the greater and the lesser barons or representatives of counties. This was a revolutionary act of the first order. Control of Parliament was taken out of the hands of the King, to whose will the Bishops had always given implicit obedience. It was not accomplished, however, without division in the ranks of the Covenanters. Montrose headed a party which argued that some compensation should be given to the King for the loss of the Bishops' votes, and, had Charles shown any spirit of accomodation, he might have driven a wedge into the body of his opponents. But accomodation was foreign to his nature. The ranks closed again: the Acts of the Assembly were ratified and a Commission of the Estates appointed to carry on the Government with full powers in peace and war. This was the gage of battle flung at the feet of the King.

Chapter VI.

The Second Bishops' War.

For the second time conference had ended in failure and again the sword was drawn. The conditions were similar to that of the First Bishops' War, Scotland united, with an army sworn to the Covenant, well equipped and full of ardour, and, opposed to them, the King with a motley host and with less enthusiasm, if that were possible, than before. The only fighting was a skirmish at Newburn, the royal forces falling back before the Scots. Again negotiations followed, first at Ripon, then in London. English sympathies were with the invaders, for the Scots were fighting the battle for English liberties as well as their own.

Secret communications had been for some time passing between the leaders of the national parties in the two countries, and there was one incident in which Wariston seems to have played some part. Burnet[1] tells a story of a letter from Lord Saville, one of the English national leaders, conveyed to Scotland in a hollow cane, signed by some of the English leaders and pledging themselves to lend assistance to the Scots/

[1] History of his own time. (ed. Airy's ed.). I.p. 42.

Scots army if it should cross the Tweed. The letter was to be shown only to Argyle, Rothes and Wariston, and was to be left in Wariston's hands. Burnet says that the signatures were afterwards found to be forged. He adds that the King pressed Wariston to deliver the letter to him, but Wariston excused himself on his oath, and, not knowing what use might be made of it, cut out every subscription and sent it to the person for whom it was forged.

The story is somewhat mysterious, but Orr in his life of Henderson[1] sheds some light on it from the Coltness papers, from which it appears that some of the signatures at any rate were authentic. Perhaps there is a confirmation of the part ascribed to Wariston to be found in the Diary[2] where in urging on Colonel Fenwick his past services to the English, Wariston mentions "my cutting out of the names". Dr Hay Fleming suggests that it may be to the Saville incident that this entry refers. At any rate it is not unlikely that negotiations were being carried on between the two parties menaced by a common danger, and that Wariston was one of the principal agents in the business.

Appointed one of the Scots Commissioners to negotiate with the King, Wariston spent part of the years 1640-1641 in London, and some of his letters included in Hailes' Memorials/

[1] p. 230. [2] Diary III 292.

Memorials shed light on the man and his activities. That his fiery energy was apt to pass beyond bounds and was becoming notorious appears from a reference in one of his letters to Balmerino to a paper drawn up by the Scots Commissioners which gave great offence to the King. They had been invited to participate in the prosecution of Strafford and Laud, and a rumour was spread abroad that they had been induced by the King to become lukewarm in the matter. Henderson thereupon wrote a paper in denial of the tale, "proclaiming the constancy of our zeal against Episcopacy" and it was given to the English lords of the Treaty to be communicated to Parliament. A copy of it, however, came into the hands of a printer and it was displayed publicly in the city. It so angered the King that he threatened to cancel their safe conduct. With regard to its bitter tone, Wariston writes[1] - "To tell you the truth, none can justify the printing of it, neither knew I of it, and albeit the paper because of its bitterness is called Johnston's paper, yet it was delivered to the English Commissioners or ever I did so much as see it". "Johnston" and "bitterness" are evidently becoming linked together in men's minds.

And several letters of his breathe the same intolerant spirit. It was the intention of the Covenanters to prosecute the incendiaries among themselves, of whom Traquair was/

[1] Hailes' Memorials. II 107.

was the chief offender, and the prosecution was progressing too slowly for Wariston's liking. There is something of a relentless ferocity in the way in which he hounds on Balmerino to pursue the matter to the bitter end, and declares to Humbie that it is a shame that any should plead for them, for they deserve justice rather than mercy. The hardening process in his character seems to become more rapid as time goes on, zeal growing into bigotry and intense conviction into intolerance. It is the penalty of intense conviction that it narrows a man's view and prevents him seeing what good there is in his opponents, and Wariston is no more immune than other men have been.

These negotiations with the King are specially important because of the fact that in them we find the emergence of a demand on the part of the Scots which was to be reiterated afterwards and to affect the course of later history, viz: - religious uniformity. Among the eight conditions of peace laid by them before the King was this, that there should be one form of Church government in England and Scotland as a special means of conserving the peace between the two countries. It seems to us an extravagant demand to make, but they did not regard it in that light. They probably were keenly sensitive of the fact that the menace to their religious liberty had come in recent years from Episcopacy and that they would never be safe till that menace was removed by having the same Church government/

government adopted in England. And on the other hand there was at the time a distinct movement in that direction among a large section of the English people. On December 11th 1640 the Root and Branch petition had been presented to Parliament demanding the abolition of Episcopacy and the adoption of Presbyterian order, and many of the English counties had sent in similar petitions. Baillie writes[1] from London, "All here are weary of Bishops, all are for bringing them very low". The time seemed opportune. But the Scots probably exaggerated the strength of the movement and imagined that this vocal section truly represented the country as a whole. It did not. There was indeed a strong reaction against the excesses of Laud and his party, and some desire for a change, but the tradition of Episcopacy was deeply rooted in the nation and was not to be easily overthrown. It was one thing to reform their accustomed order, another to abolish it. What were they to put in its place? The Scots discipline, with its interference with the liberty of the subject, they had no desire for. The Long Parliament brought in a Bill for reform which was thrown out by the House of Lords. Other bills were introduced into both Houses but in the end nothing was done. The Scots continued to hope, however, and their demand was to be repeated later in the/

[1] Letters. I 275.

the Solemn League and Covenant.

Negotiations concluded, the Scots army returned home again and Charles paid a visit to Scotland. He came with a changed demeanour. Badly as he may have felt himself treated by the Scots, he had suffered more at the hands of his English subjects. They had sent Strafford to the block, Laud to prison. Nothing could atone for that outrage. And the portents for the future were ominous and the horizon growing dark with the threat of war. Charles turned to Scotland, thinking that his friends there might rally to him and that he might so play his cards that he might have the help of Leslie's army if war should come. His policy now was conciliation in order that he might detach the Scots from their association with the English Parliament.

Honours were bestowed with a lavish hand. Wariston's share was knighthood with a liberal pension and the Commission of a Lord of Session. He was also appointed a member of a new Commission which was to settle points left undetermined by the Treaty.

But none of these favours availed to change the sentiments either of Wariston or of any other Covenanter. The new Commission continued the correspondence between the two Parliaments, thus helping to defeat the King's plans. Baillie[1] says/

[1] Letters. I 397.

says the Commission was appointed "not so much for the perfecting of our Treaty as to keep correspondence in so needful a time". The change in Charles' temper was too sudden to lull the suspicion of the Covenanters. They might have quoted the old saying "Timeo Danaos et dona ferentes". Leslie's army was disbanded. The royalists in Scotland were discouraged by the King's partiality to his opponents, and Charles found himself in the end the loser on all sides.

So far as Wariston was concerned, the honour bestowed on him made no difference in his policy. In two matters he was thrown into active antagonism with the King. One of these was the prosecution of Traquair, whom Charles would save and whom Wariston wished to put beyond the possibility of further mischief. Fortunately for the King's favourite, the other Covenanters were in a conciliatory mood at the moment and Charles achieved his purpose. The other point of conflict was with regard to the appointment of Officers of State, which the King claimed as his prerogative. The Covenanters insisting that according to established constitutional custom the appointment was in their hands, Charles demanded proof. He believed this was impossible, for his father had ordered the records to be destroyed. To the surprise of all, Wariston produced the records. It seems that he had found them in connection with some civil case in the charter chest of Hay of Dunfermline/

Dunfermline, and their production finally put the matter beyond question.

A further reference to him at this period appears in the minutes of Parliament, a petition presented by him that he should be exonerated as to the public measures with which he had been for the past four years associated. He invited enquiry, as other public servants had done, into his conduct. The Estates whole-heartedly concurred, putting on record that "he hath in all fidelity, care and diligence behaved himself . . . as a loyal subject to the King and a true patriot to his country".[1]

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1. Acts of Parliament. V 414.

Chapter VII.

The Solemn League and Covenant.

The year 1642 saw the outbreak of the Civil War in England, and Scotland immediately became an important factor in the struggle. Her army had already twice overcome the royal forces, and thrown now into the scale it would probably decide the issue.

It was not altogether certain at first what attitude the Scots would adopt. Charles hoped that his recent acts of grace would ensure at least their neutrality, if not their active assistance. He had granted all their desires and heaped honours on their leaders. They had no reason now to quarrel with him. The royalist party, too, was still strong among them and if it came to war between their King and the English people, the ancient Scottish loyalty and the remembrance of old feuds with the Southrons might make them rally in increased strength to his standard.

On the other hand the Assembly's Committee for correspondence with the English Parliamentarians was active and the door was being kept open for closer alliance. For a time the issue hung in the balance. It finally settled in favour

of Parliament, and Wariston was one of the principal agents in bringing this about.

The price of Scots assistance to either party was uniformity of religion between the two countries by the introduction into England of the Presbyterian system of Church government. This, as we have seen, was one of the demands made in 1641, but refused by the English Parliament. The Scots, however, had still continued to hope, and they now put it forward again. Burnet says that Wariston had suggested it to Saville as early as June 1640. He was perhaps not the originator of the idea, but he shared it with his party. The Assembly of 1641 had proposed the drawing up of one Confession and Directory of Worship for England and Scotland.

The Scots had inherited from Andrew Melville the belief that Presbytery was a jus divinum, and they believed that Episcopacy was the invention of man and ought to be set aside. They shared in the mediaeval belief in religious uniformity as the foundation of political unity. We have also seen that they regarded Episcopacy as their greatest menace and that they would never be safe till it was removed. This was the price they demanded now, and they would side with King or Parliament were either of them willing to grant their desire. Did they ever stay to consider that it might involve the forcing of some men's consciences? Some of them seem to have done so/

so and to have set the matter aside. Henderson says, "We conceive so pious and profitable a work . . . . without forcing of consciences, seemeth to be not only possible but an easy work". Henderson may have given due weight to the words "without forcing of consciences", and Moffatt[1] declares that in their best moments the leaders of the Presbyterian propaganda were true to this principle. But it is questionable if other Covenanting leaders gave much consideration to the consciences of their Southern neighbours. In Row's Life of Blair[2] one reads that Mr Blair entreated the King that he would subscribe the Covenant and abolish Episcopacy out of England, and again appealed to him on his knees that he would grant this request. The ogre of Episcopacy was always at the Scots elbows and, even at the cost of doing violence to the conscience of Englishmen, it must be done away with.

To the Scots' demand for uniformity Charles returned an evasive answer, though his letter to the Assembly was couched in gracious terms. Parliament were more complacent. They had already gone some length towards meeting the conditions laid down, in that they had passed drastic measures curbing the power of the Bishops. In September 1642 they went further, passing through the Commons a bill for the abolition of/

1. Presbyterian Churches. 65.

2. p. 194-196.

of Episcopacy and the reconstruction of the national Church by the help of an Assembly of Divines. They declared that their intention was to settle such a government as should be most agreeable to God's holy word, most apt to procure and preserve the peace of the Church at home and happy union with the Church of Scotland and other reformed Churches abroad. This did not necessarily mean acceptance of the Scots form of Church government, but probably the Scots read their own wishes into it.

Wariston from the first sympathised with the Parliament, but so long as there was any possibility of peace being maintained, he did his best to mediate between the opposing parties. He had no desire to see Scotland embroiled in the strife. When hostilities had actually broken out, he joined Loudoun, Argyle and Henderson in signing an appeal to the Queen, then in Holland, to come to Scotland and try to reconcile King and Parliament. The fact that they promised her not only a safe-conduct but the free exercise of her own Roman Catholic religion shows how far they were willing to go in the interests of peace.[1] The plan failed, for Charles refused to agree to it. But on the other hand Wariston set himself strongly against any step on the part of Council or Assembly which might in any way harm the cause of the Parliament.

When/

[1] Burnet. Memoirs of the Dukes of Hamilton, 201.

When, in May, Charles ordered Loudoun to summon the Council to draw up a remonstrance to the Parliament for the wrongs it had done to his prerogative, Wariston at Parliament's request was sent down to Edinburgh. Baillie[1] states that a paper of Wariston's entitled "A Letter to a Friend" had great influence in rousing the country against it. Imposing gatherings of the King's friends were held in Edinburgh to overawe the Council and persuade them to vote for the King, but Wariston rallied the gentry of Fife and the Lothians in such numbers that the remonstrance had to be dropped.

This neutrality was maintained during the summer of 1642. Then when Edgehill was fought in October and the Parliament realised that the war was not soon to come to an end and that the issue was doubtful, they applied to the Scots for military assistance. For a time the Council hesitated, although opposition to the King and sympathy with Parliament were growing stronger throughout the country.

Matters came to a head in August when commissioners from Parliament arrived in Edinburgh with full powers to treat with the Assembly. They included Sir Henry Vane and two well-known ministers, Marshall and Nye. They voiced the desire of Parliament to meet Scottish wishes in reforming religion/

1. Letters. II 332.43.

religion in England, stating that they had already abolished the Bishops, and requesting the assistance of some members of the Assembly in furthering the work of reformation. They also presented two letters, one from the Westminster Assembly, then in session, inviting representatives from Scotland to assist in its labours, and the other from seventy Puritan ministers in England pleading for help.

In answer a Committee was appointed to confer with the delegates. But the question arose, was the Scots assistance to take the form of mediation or armed intervention? Opinions differed. Some urged mediation only, and it was Wariston who decided the issue. "Wariston his alone", says Baillie,[1] "did show the vanity of that motion and the impossibility of it". Another question which caused division was whether the proposed compact should take the form of a civil league or a religious compact. The Englishmen preferred the former, the Scots insisted on the latter. They still had in view the establishment of Presbyterianism in both countries and were afraid that a merely civil league would leave Parliament free to adopt any form of Church government they pleased. Only a religious compact with this matter definitely stated would ensure uniformity. Ultimately the English representatives/

[1] Letters. II 90.

tives -acquiesced, and there was drawn up the Bond known as the Solemn League and Covenant uniting both countries in armed alliance against the King.

It has generally been accepted, on the statement of Baillie, that this Covenant was the work of Alexander Henderson. Mr Henderson, he says, had given them the draft of a covenant. There is, however, a passage in Wariston's Diary in which he records his thanks to God "for making use of me in the draft of the National Covenant, Solemn League and Solemn Acknowledgment whereof the first scroll was from Him to me".[1] This evidently means that he felt that the Solemn League and Covenant came to him as an inspiration from God and that he was His instrument in the business. Thus not only the decision to throw into England an armed force on the side of the Parliament, but also the terms on which that was to be done, were due more than any other man to Wariston.

It has been urged against the Scots, and, if the charge is true, Wariston must bear most of the blame, that the decision to take up arms against the King was the blackest ingratitude, for Charles had granted them all their desires. Montrose at his trial vindicated his action on this ground. Gratitude as well as loyalty should have kept them at least neutral/

[1] Diary III 72.

neutral in the strife. But the Covenanters knew only too well that every concession the King had made had been wrung from him by force, and that, were he victorious in the war in England, he would not scruple to go back on his word to the Scots. It was Charles' own faithlessness that cost him in the critical hour the support of his Northern subjects. Wariston among the rest would have supported the King, but there were things more sacred to him than His Sacred Majesty. National and religious liberty were at stake and he must side with the defenders of a cause that was Scottish as well as English.

As drafted by Wariston, the Solemn League and Covenant bound parties to seek to preserve the reformed religion of the Church of Scotland against their common enemies, the reformation of religion in the Kingdoms of England and Ireland in doctrine, worship, discipline and government according to the word of God and the example of the best reformed Churches. It included also the extirpation of Popery and Prelacy, the preservation of the rights and privileges of Parliament and the liberties of the Kingdoms and the defence of the King's person and authority in the defence of the true religion and liberties of the Kingdoms.

The Solemn League played a vital part in the struggle of the nation against the King, and as a Bond for mutual defence it may well be justified. But some of its contents/

contents, and especially the interpretation given it by Waris-ton and others, are open to criticism.

1. It combines in a hopeless way religion and politics. It calls for the defence of the national and religious liberties and at the same time for the defence of the King, the enemy of these liberties. It gave its sponsors some trouble afterwards to make clear to men that the King was to be defended only in so far as he served the cause of religion. The meaning of the Covenant was, says Carlyle, "that God's divine Law of the Bible should be put in practice in these nations. But then the Covenant says expressly, there is to be a Stuart King in the business; we cannot do without our Stuart King. Given a divine Law of the Bible on one hand, and a Stuart King, Charles First or Charles Second on the other, alas! did History ever present a more irreducible case of equations in this world?"

2. The words of the Covenant "according to the Word of God and the example of the best Reformed Churches" proved from the Scots point of view to be unfortunate. Under the obsession of the divine right of Presbytery they naturally expected that theirs would be the model to which the reformation of the English Church would conform, but their English friends did not feel themselves so bound. This became evident in the discussions in the Westminster Assembly and the English Parliament. Englishmen had no leanings towards Presbytery, nor was their/

their national historical development identified with it as that of the Scots had been for nearly a century. They desired to be left free to adopt the model which best suited them, and it was for this purpose that the words quoted were inserted in the Covenant. Whether Wariston suspected the design at the time we do not know, but he certainly realised it later. When the crash in his fortunes came in 1660 and in the bitterness of his soul he commits his thoughts to the pages of his diary, he remembers "Vane putting in the Covenant 'according to the Word of God' to make and cast all loose. Vane and Salloway has kept themselves free and so might agree both parties. He made it loose that it might only serve as a politik engine for a time and then layed aside". It is a pity that this knowledge came so late. The Covenant was to the English a temporary expedient which served their purposes, "a politik engine" to be laid aside when it had done its work. The Scots were duped by men more astute than themselves.

3. Wariston's interpretation of this Covenant as made not with men only but with God was destined to lead to tragic division and bitterness among the Covenanters. It was in reality a compact among men and between two nations to meet a political emergency and to safeguard national liberties. Wariston regarded it as a compact made with the Almighty[1], and any departure from/

[1] infra p. 80.

from it as a sin against God. Every man who opposed it or departed from it was to him the enemy of God. He put the observance of it before even the defence of the country and would sacrifice everything for it. It became a fetish to him and before the close of his life made him an Ishmael in the land he loved.

Chapter VIII.

The Westminster Assembly.

Wariston was one of the three laymen sent up from Scotland to take part in the deliberations of the Westminster Assembly. The work of that Assembly does not greatly concern us, for he took no prominent part in the debates. He was a lawyer rather than a theologian. He seems to have spoken on two occasions, once in connection with the toleration of Independency, which he opposed[1], and again regarding the appointment of civil Commissioners as a Court of Appeal from Church Courts in cases of discipline. To this the Scots members objected as a violation by the civil power of the Church's right of self-government, and Wariston as their spokesman presented their point of view in a speech which made a deep impression on the Assembly. He insisted that Christ reigns alone over His Church and has given no supreme headship over it to any Pope, King or Parliament.

Wariston might convince the Assembly, but neither Parliament nor the English people could appreciate the principle for which he pleaded, viz:- the spiritual independence of/

[1] Baillie. Letters II 237.

of the Church as a separate entity within the State. The two countries were fundamentally opposed in their views, and there were historical reasons for the difference. The Scots Reformation had been achieved in defiance of the royal will, and the Church renounced earthly sovereignty for the Headship of Christ. It had claimed from the first to be responsible only to Him as its supreme Head.

The English Reformation on the other hand was mainly the work of the King and it had been acknowledged that he was the head of the Church. The supremacy of the State over the Church was rooted in their history. The Westminster Assembly was itself summoned by and took its terms of reference from Parliament, and its findings had no force without Parliamentary sanction. Even when the Presbyterians carried the day in the Assembly and Presbyterianism was established in England, the Church so established was under the control of the State. Wariston might exhaust all his arguments, but it was to no purpose. The spiritual independence of the Church has not yet been achieved in England.

But it was the Independents even more than the Erastians who finally wrecked the scheme of Presbyterian uniformity. There were men in the Assembly and in the country who had been driven across the seas by the tyranny of Laud, and now they had returned and were not likely to submit to the new tyranny/

tyranny of Presbytery. They felt as Milton did that "new Presbyter was but old Priest writ large". They demanded complete independence of each congregation in the Church with no interference from any governing body. To the Presbyterians this meant anarchy, the subversion of all authority and the opening of the flood-gates to every kind of fancy religion. They saw with dismay new sects under many strange names springing up like mushrooms all over the land. But with the rise to power of Cromwell they were helpless. His rise and his successes gave them furiously to think. His religion was his mainstay and it was of the strictest Puritan type, but in the breadth of his outlook he was poles asunder from the Scots. Laud's regime had sickened him of religious ceremonial. To him ritual stood between his soul and God and he demanded direct access to Him. He cared nothing for the subtleties of theology. His outlook was practical. He would not be bound in the fetters of Presbyterian orthodoxy nor would he allow his troopers to be so bound. His only test of a man in the service of his country was efficiency, and so long as the man's heart was in his work, his religious opinions mattered little. There must be toleration, and men must be allowed to serve the cause without signing the Covenant. He had even, according to Baillie, spoken contemptuously of the Scots' intention in coming to England to establish their Church government and said that/

that he would draw his sword against them.

To the Presbyterians this was heresy of the rankest kind. Yet this man was the man who with his Ironsides carried all before him in battle. And as Cromwell increased in power, so the Scots army became less indispensable. The breach widened. The army of Parliament became filled with all sorts of heresies and the Scots dream of uniformity of religion faded into nothingness.

In another respect also, Cromwell differed from Wariston and the Scots. He was determined to finish the war by the utter defeat of the King. They shared with Manchester and Essex and other English leaders an aversion to extreme measures. The Scots would carry on hostilities only to the point of forcing Charles to establish Presbyterianism. It had been so in both the first and second Bishops' Wars. A similar occasion came again in 1644. Fear of Cromwell's growing power combined with the feeling of war-weariness in the country led to a Conference at Uxbridge with the King. Wariston drew up the Articles for the meeting, the chief of which were that Charles should sign the Covenant, abolish the Episcopal hierarchy and Prayer Book from the Church of England, and that the reformation of religion according to the Covenant should be settled by Parliament. After long negotiations the Conference proved abortive. Charles was willing to make some concessions, but/

but with the Scots it was the Covenant or nothing.

The Covenant or nothing. This was the first practical example of the way in which the Covenant and the extremists' interpretation of it was to tie the hands of the Scots, and especially Wariston's hands. To break, or to depart in any degree from, their compact with God was to apostatise from their allegiance to Him. This prevented them from going any part of the way to meet either Episcopalians or Independents, and in the end it left them without allies. And it was to drive a wedge into the body of the Scots themselves and prove the ruin of their cause.

Chapter IX.

The Engagement.

The battle of Naseby, 14th June 1645, finally extinguished Charles' hopes of success in the field, and in May of the following year he sought refuge with the Scots army at Newark. Then began a campaign of intrigue on his part in the hope of setting Presbyterians and Independents against each other and winning back by policy what he had lost in open warfare. There was some ground for this hope, for irritation between these parties had daily been becoming more acute. The preponderance of Presbyterianism in Parliament was counterbalanced by the increasing strength of Independency in the army and the country, but the presence of the King in the Scottish camp weighted the balance in favour of the Presbyterians. They took advantage of their position to press on the King another proposal for peace on their own terms. They demanded that the command of the army and navy be given to Parliament for twenty years, the exclusion of Malignants from office, the abolition of Episcopacy and the establishment of a Presbyterian Church.

Regarding Wariston's part in these negotiations,

Baillie/

Baillie states that "all the Royalists in Scotland could not have pleaded so much for the Crown and the King's just power as Wariston and the Chancellor for many days together".[1] The negotiations took place in the Painted Chamber at Westminster and Wariston was probably striving to gain as much as possible for the King in the hope that he would come to terms and sign the Covenant. It is interesting to observe that his action on this occasion was brought up against him some years later to his detriment. In the Diary for 1654 he writes, "Then Colonel Fenwik cam up and rendred me a visite. Wee spake about the Paynted Chamber debaits, which he sayd was a great prejudice to me, and that al the disputes in Scotland was al faytherd on me. I acknowledged that I had gon too farre on in thes debaytes in the Paynted Chamber, and what had been any of our miscariages wee had confessed them in the Causes of God's Wrayth".[2] He recalls this some days afterwards with regret. But all attempts to come to terms were fruitless. The Scots handed the King over to the Parliament and marched for the border in January 1647.

Parliamentary records for these years frequently mention Wariston's name and his activities on various Commissions. One of them does not redound to his credit, showing as it/

[1] Letters. II 368. [2] Diary III 293.

it does the headlong zeal of the man overstepping the bounds of justice. On November 27th 1645 he moved in the House the indictment of four of the nobility, Lords Johnston and Ogilvy, Sir John Hay and Sir Robert Spottiswood, charged with compliance with the enemies of the Kingdom, and at the same time he consented to be nominated one of the judges in the case. Fortunately justice was saved from a black stain by a protest made against the trial, the chief ground of the protest being that Wariston had prejudged the accused.

That he himself suffered no prejudice by these proceedings is evident from the fact that a year later he was appointed King's Advocate, and an honorarium of £3000 granted to him in respect of the sacrifices he had made in the national cause.[1]

The Engagement.

It is not necessary for us to dwell on the events which followed in England, Charles' attempt to play off Parliament against the army, and Parliament's endeavour to disband the army. These belong to English history, and Wariston had no part in them. But an event of greatest moment is that which is known as The Engagement. It proved to be the sowing of dragons' teeth for Scotland and ushered in the saddest period/

[1] Acts of Parliament, Vol. VI.

period of her history.

On December 27th 1647 three Scots Commissioners, Loudon, the Lord Chancellor, and the Earls of Lanark and Lauderdale, made a secret treaty with the King at Carisbrook, the terms of which were that Presbyterianism should be established for three years, that the Covenant should be confirmed by Act of Parliament, though it should not be made compulsory and should not be signed by the King himself. He promised, if restored to the throne, to put down heresy and schism. On their side the Scots undertook to support the demand that a safe-conduct should be given to the King to carry on negotiations in London and that the armies should be disbanded with a view to a peaceable settlement. If these terms were refused, they promised that the Scots army would invade England and join with Presbyterians and Royalists in reinstating the King.

When first announced in Scotland, this compact was hailed with acclamation, but, when the terms were fully known, there came a sharp revulsion of feeling. The Estates only were represented at Carisbrook, not the Assembly, and the Church now refused to countenance the arrangement. They declared that the King's concessions were utterly inadequate, and that it was unlawful to co-operate with men who were hostile to the Covenant. Every pulpit resounded with protests. In Parliament the majority of the nobles were for the Engagement, but throughout the country there were many bitterly hostile, and/

and at their head were Argyle and Wariston.

Wariston's attitude was but the consistent carrying out of that which he had adopted from the first. We have seen that he believed in the divine right of Presbytery and he had bent his whole energy towards the observance of the Covenant in England. It was a compact with God. Referring in the Diary at a later date to a discussion with one of the English ministers, he writes[1] "Mr Good came out, and he and I had a great debayte anent the Covenant as an oath not only before God as a witness, but with Him as a party". To depart from it would be sacrilege. He had seen, by the events in England, his darling project become more and more hopeless. It is only to be expected that something of bitterness should creep into his spirit and that his prejudice should harden into sheer fanaticism for the Covenant. To him the Engagement was a deliberate sacrifice of the Covenant, for if the King was absolved from signing it, it would be a dead letter in the country. And to join with Malignants in England would be to abandon the ground on which the Scots had previously consistently stood. Thus we find him in company with Argyle leading the Church in its protest against the action of the Estates, and as determined in his opposition to them as he was to the King and the English sectaries.

An/

[1] Diary III 71.

An attempt was made by Parliament to draw parties together for a conference with a view to supporting the Engagement, and delegates from the Assembly met with members of the Estates for this purpose. Wariston was not one of them. Along with Gillespie, one of the extremists among the ministers, and Argyle, he drew up another oath for preserving the ends of the Covenant, in which the most inveterate hostility was shown to the King. It laid down the conditions that unless the King did first subscribe the Covenant, it was not lawful for any to endeavour his restitution; that there should be no communication with Malignants in any of the three Kingdoms; that a negative voice should not be given to the King, that these articles should be incorporated with the Coronation oath, and that those who refused to swear to them should be incapable of holding any office, civil or ecclesiastical, and should forfeit their estates.[1] These terms were too extreme for the majority, and Baillie and some others drew up another proposal which might possibly have had some success. A crisis was precipitated, however, by the action of the Estates in ordering the fortresses of Berwick and Carlisle to be seized as a basis for future military operations. An ultimatum was sent to the English Parliament demanding acceptance of terms similar to those of the Engagement and a levy was ordered for an army to invade England/

[1] Peterkin. Records I 494.

England. The Church in reply did its utmost to hinder the levy and a body of Covenanters appeared in arms on Mauchline Moor and were not dispersed without bloodshed.

The Assembly met in July and it was evident that the majority were of Wariston's mind. The Engagement was condemned and an order issued that ministers should denounce it from their pulpits. Wariston took no part in the proceedings. According to Baillie the reason was that as Procurator of the Church it fell to him to conduct the prosecution of certain ministers who were accused of instigating the Mauchline gathering, and he could not conscientiously do it. "The good advocate", Baillie says, "being resolved in his mind, if he had been put to it, to have pleaded for the ministers and not against them, was with much ado moved by his friends to lurk for some time till the storme went over".[1]

Disaster soon befel the Engagers. Their army invaded England under the Duke of Hamilton and was overtaken and annihilated by Cromwell at Preston in August 1648. Thereupon the Western Covenanters marched on Edinburgh and by this "Whiggamore Raid" power in Scotland passed into the hands of those who opposed the Engagement, and the leadership into those of Argyle and Wariston.

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[1] Letters. III 53.

Chapter X.

The Act of Classes.

Cromwell followed up his victory at Preston by an invasion of Scotland in order to safeguard the interests of the English Parliament there. He had no quarrel with Argyle and Wariston, for they were as opposed to Hamilton and the Engagers as he was, and they met him with some measure of cordiality. But he came as a victor and demanded that all Malignants should be permanently disqualified from holding public office.[1] This was agreed to, the answer being conveyed to him by Wariston, Cassilis, and two others. In accordance with this arrangement the Estates in January 1649 passed the Act of Classes, disqualifying Malignants from office until such time as they had satisfied the Church. It was so called from the various classes of offenders brought under it, ranging from plotters against the Covenant to frail brethren accused of such sins as bribery or drunkenness. This Act was the work of Wariston. It was moved by Argyle and seconded by Wariston. Balfour[2] records that "the Marquis of Argyle had a very long speech consisting of 5 heads, which he called the breaking of the/

[1] Carlyle. Letter lxxvii. [2] Annals. III 377.

the Malignants' teeth, and he who came after him (Wariston) would break their jaws. Wariston, the King's advocate, after the Marquis had ended, read a speech two hours in length off his paper, being an explanation of Argyle's five heads of teeth, as he named them, with the answering of such objects he thought the prime Engagers would make on them in defence".

Wariston probably found much satisfaction in this handiwork of his, for an opportunity of smiting Malignants was altogether to his liking. It was to him the very work of God, for these were His foes. But it was a piece of savage legislation in which his zeal was without discretion and his animosity against the Engagers was allowed to run riot. Some of the offenders were excluded from office for life, others for ten and five years, and none could be readmitted unless they gave satisfaction to the Church. And its punishments were out of proportion to the gravity of the sins mentioned. Baillie's friend Spang[1] pointed out to him that the Act made it a greater sin to protest against the Engagement than to be a drunkard, for it brought with it a more severe punishment. And its consequences were disastrous in the extreme. Apart from the fact that many men desirous to serve their country sought office again by a mock repentance, it was the felt necessity of repealing this piece of legislation which was the cause of the quarrel/

[1] Letters. III 80-81.

quarrel which tore at the vitals of the Scots nation for many a long year to come.

Wariston would find less satisfaction in his conjunction with Cromwell, for he had no love for Independency, but he probably thought better an alliance which brought at least some advantage over Malignants than a hopeless conflict with the invader. And he derived some personal profit from the Act of Classes, although there had been no ulterior motive in his action. Among those excluded by the Act was Gibson of Durie, Lord Clerk Register. Wariston was appointed in his stead.

It seemed at this moment as if affairs in Scotland were to settle down along this line of an alliance between the Covenanting leaders and Cromwell. Danger from their political opponents was guarded against by a force left behind by him for their support. The scheme was, however, thrown into the melting pot by the execution of the King. Charles' intrigue had at last exhausted the patience of the army in England. How to dispose of him was a difficult question and they cut the Gordian knot by a blow of the executioner's axe.

The death of the King was a turning point in the history of Scotland, and it had the most far reaching effects on the career and destiny of Wariston. Among the Scots people it sent a shudder of horror. They had little cause to love

Charles/

Charles I. He had ridden rough-shod over their national and religious liberties and had shown himself a man on whose word no reliance could be placed. Still he was their King and he had been put to death by English hands. It was but natural that all Scotland should feel the act to be an outrage on the national pride and that they should answer it with something of defiance. Immediately on receipt of the news they proclaimed his son King and sent an embassy to him at the Hague offering him the crown.

Wariston's career henceforth is determined by his relations to Charles on the one hand and to Cromwell on the other, and also very largely by the part he played in a new controversy which was to arise and was destined to lead to a tragic disruption in Church and State.

Wariston and Charles II.

The invitation sent by the Scots to Charles was neither unanimous nor unqualified. From the first there were many who distrusted him, and Wariston was one of the number. Remembering the hostility of the father to the Covenanters and their ideals, he had little hope of the son being more friendly. He knew that the youth's upbringing was not likely to prejudice him in favour of Presbyterianism. As regards the character of the Prince himself, did Wariston have private in-

formation/

formation, as he had had on previous occasions, of the secrets of Court life, and was he aware that already young Charles had begun a dissolute course? It was known to some, and Wariston's ears were sharp. Or was he beginning to harden his heart against the very idea of Kingship? It may have been so. At any rate he regarded the invitation to Charles with suspicion and dislike and exerted all his influence against it.[1] He noted and recorded many ominous signs in the Prince's behaviour; they find mention in the Diary and are put on record later in his tract on "The Causes of the Lord's Wrath against Scotland".

The first move in the matter was made by the Estates. Balfour states that it was debated in the Estates whether to send Commissioners to Breda to treat with the King. The proposal was supported by Argyle and others, but Wariston was among the objectors. Nor was his opposition merely in Parliament. He voiced it boldly to Charles himself. The conduct of the latter was marked throughout the negotiations by characteristic hedging and duplicity. The terms laid down by the Scots were drastic. He must sign both Covenants, promise to introduce uniformity of religion and banish from his counsels the firebrand Marquis of Montrose. Charles at first refused. He hoped that by means of the Irish rebellion then going on and by Montrose's projected invasion of Scotland he might win his throne independently of the Covenanters. Only when/

[1] But see infra p. 158.

when these hopes were dispelled by Cromwell's successful Irish campaign and by Montrose's failure and execution did he listen to the embassy. And he put off the signing of the Covenants till he had arrived at the mouth of the Spey, and then men felt his heart went not with his signature.

These things were noted and by none more narrowly than by Wariston. He wrote to Holland to the Prince, showing him that "his dissembled incoming to the Covenant would sooner ruyne him nor his faythers 12 years opposition ruyned him".[1] Later at Perth he "pressed upon the King before the Committee what Joab sayd to David, that becaus he loved his enemyes and hayted his freinds, a worse thing would befall him".[2] The path of the King after his arrival in Scotland was not an easy one, and Wariston was among those who saw to it that little latitude was given him. It was demanded that he should sign a declaration that he had no part with Malignants, that he repudiated his father's opposition to the Covenants and the blood that he had shed, and also his mother's idolatry. He must also dismiss many of the courtiers he had brought with him from Holland, who were known to be Malignants. Wariston was one of a deputation which visited Charles at Dunfermline[3] on August 9th and laid the declaration before him for his signature. They/

1. Diary III 131-2. 2. ibid. 131. 3. ibid. 14.

They spoke very freely and used many arguments, but Charles refused to sign. A second time it was submitted to him with a statement on the part of the Commission of the Kirk and the Estates that, until he signed it, they would own neither him nor his cause.

Whatever may be said of Wariston's loyalty, he is certainly consistent. It is still the Covenant which takes first place in his thoughts, and by their relation to it he judges men. Malignants he can have no part with, and, until the King frees himself from the imputation of malignancy, Wariston cannot countenance him. It is this which explains the suspicion and hostility and the stern demands made from Charles.

But there is another motive also in the dragooning of the young King, viz: the desire of the Scots to justify their actions in the eyes of Cromwell. The offer of the crown to Charles was to Cromwell and his party tantamount to a declaration of war, and he immediately marched North to invade Scotland. He was reluctant to draw the sword against men with whom he had much in common, and on his way North he wrote letters,[1] putting their position before them as he saw it, that they who had declared against Malignants were now allying themselves with the arch-malignant in the guise of a Covenanted King/

[1] Carlyle. Letters cxxxvi. cxxxvii.

King. He asked them to think that they might be mistaken, and that there was a possibility of a covenant being made with Death and Hell.

These thrusts seem to have gone home and to have stirred into activity some doubts as to the righteousness of their alliance with Charles. This helps to explain what follows. On August 13th while Charles was still hesitating to sign the Dunfermline Declaration, a meeting of the Commission of the Kirk was held in the West Kirk, Edinburgh. There was laid before it a demand from some officers of the army that, unless they were given an assurance that the cause of the quarrel with the English was the cause of the Covenant and not a mere design to set Charles on the throne of the three Kingdoms, they would not engage against the enemy. On the understanding that the Declaration should be only for the satisfaction of the officers, it was agreed to by a majority and was sent with a letter to General Leslie to show to them that they might continue with their regiments. This agreement was, however, not observed. Under date 14th August, there appears in Wariston's Diary this entry, "Wee printed short Declaration, and hearing al yet lay stil, I begged the Lord might be in our counsels and actions this day. I went and caused spread sundry of our short declarations amongst the enemye"[1]. His purpose was/

[1] Diary III 18.

was to prove to Cromwell and his troops that there was no alliance between the Scots and the Malignants. Cromwell sent in reply what Wariston[1] describes as "a rapsodik aunsuer to our paper, showing that he could not seperat our conjunction with the King from Malignancy, and that he was ready to feyght us".

On 16th August Charles at last signed the Dunfermline Declaration, professing himself to be deeply humbled before God for his father's opposition to the work of God and the Covenant, and only entreating them to be as sparing of his father's name and memory as necessarily could be.[2]

A further step followed which aimed at carrying out the purpose of the Act of Classes and also incidentally at justifying themselves to Cromwell. While the two armies faced each other, the Scots entrenched before Edinburgh and shutting in the English to the coast, a drastic purging of the army took place. In this Wariston played a leading part.[3] All officers and men suspected of leanings towards Malignancy were ordered to quit the service. The result was that Scotland was deprived at a critical hour of the help of many of her staunchest fighting men.

This was a step which drew upon Wariston the condemnation of many. He himself defended it on the analogy of Gideon's/

[1] Diary III 18. [2] Peterkin's Records. 598. [3] Diary III 19.20

Gideon's purging of his army in the Book of Judges. Wariston regarded the battle as the Lord's and would have the country depend more on Him than on the arm of flesh. He was afraid of carnal confidence, and when the King came to visit the camp, he feared his presence with the troops and had him sent away. The result of the purging was that the ranks of the Scots were filled with "sanctified creatures who hardly ever saw or heard of any sword but the sword of the Spirit".[1]

The purging is difficult to justify. King Hewison[2] argues that had it not been taken, the party who afterwards made the Restoration period notorious by profligacy would thus early have gained the ascendancy and demoralised Scotland. And it has also been defended on the analogy of Cromwell's choice for his regiments of men who made a conscience of the business. But Cromwell's was a moral test. He chose good men and gave them complete religious liberty. Wariston's test was political, not moral. The epithet "malignant" applied to the friends of Charles I had little moral significance. Some of them differed from Wariston only in that they favoured Episcopacy rather than Presbyterianism. And many of the men deprived of their commissions in the army were loyal to their King, and only in that point did they differ from those whose services were retained.

There/

[1] Peterkin's Records. 623. [2] The Covenanters. II 4.

There followed the defeat of the Scots at Dunbar. The responsibility for the catastrophe is usually laid on the shoulders of the Covenanting ministers, who are accused of persuading Leslie to descend from his strong position and give Cromwell the advantage on the plain. Burnet blames Wariston. Wariston, he says, was too hot, and Leslie too cold and yielded too easily to their humours. This is not quite true, nor is it borne out by the Diary. Wariston did believe that "resolution hes ay caryed in this busines". He complains that he and Sir John Chiesley were blamed "as hindering general officers to do"[1], and declares that they were innocent of the charge. He did not believe that the defeat was due to the purging of the army.[2] He adds, under date August 2nd 1651, "I blisse God for His wairning He gaive me at Craigmillar and Dumbar against sudden and rash medling in warre, which is not my craft".[3] General Leslie attributes the defeat to the fact that the Scots officers had deserted their posts,[4] and says nothing about clerical interference.

There is an interesting note on this debated point in the Pamphlet entitled "An Answer to the Declaration of the Pretended Assembly at Dundee", printed in 1653, the writer of which seems to have been Wariston. "It is well known", he says/

[1] Diary III 12. [2] ibid. 78. [3] ibid. 101.
[4] Ancrum Correspondence II 298.

says "who made the motion to draw the army down the hill on Monday morning and carried it by plurality of voices in a Councell of War which appointed it to be put presently in execution; yet upon a new conceit, without advice of the officers, he delayed all that day till five at night that it was dark, and then he brought it down contrary to the advice of the officers". [1] This is evidently an insinuation against the General in command, and we know that, after Dunbar, Waristcn lost all faith in Leslie. But whoever was responsible for the fatal movement, the Scots were overwhelmed; and strangely enough, there seems to have been little regret or even surprise at the event.

But it called forth one significant letter. Charles wrote immediately afterwards to the Commission of Assembly taking on himself the whole blame for the disaster, and intimating that he had asked the Synod of Fife "how farre they thought conjunction lawfull with those that for the Ingadgement have been debarred from being in charges and command in the armies, and who have given or are willing to give satisfaction to the Church and Estate and may be willing yet to give further testimonies of their repentance and affection to the Covenant". [2] The Commission stated their willingness to recommend the admission of certain persons upon their petition and public satisfaction, but considered "it would be verie dangerous/

[1] p. 16. [2] Commission Register. III 48.

ous to the Cause and verie scandalous and offensive to God's people in the land to alter anything at this tyme of the former publict Resolutions of Kirk and State in this particular, especiallie seing our enemies make the unlawfull Engagement one of the grounds of their present invaiding of this Kingdom".[1]

More was to be heard of this matter.

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[1] Commission Register III 58.

Chapter XI.

Resolutions.

The defeat at Dunbar led to a sharp cleavage in the ranks of the Scots. On the one hand the remnants of the beaten army rallied at Stirling along with the Committee of Estates and the Commission of Assembly. Argyle was at their head, and his only policy was to enrol fresh levies and continue the war with Leslie still in command of the army. They were for King and Covenant. There was another section under Middleton who were more for the King than for the Covenant, while a third party mustered in the West, extreme Covenanters, more for the Covenant than the King, repudiating Leslie and under the command of Colonels Strachan and Kerr.

Wariston's sympathies were with the Westland men. He parted company with Argyle, with whom he had so long been associated, and became now the leader of a section instead of a united party. There was at first some prospect that his new friends of the West might join Cromwell, and the English leader did his utmost to win them to his side, but his hopes were disappointed. After a skirmish with the English troops at Hamilton in which Kerr was wounded, Strachan went over to Cromwell and/

and his following dispersed.

But before this happened they were responsible for an action which caused a considerable stir.

There was at Stirling not quite a quorum of the Commission, but along with some members of the Presbytery of the Army they drew up Causes of a Fast for the defeat of the Army.[1] The causes centred in the King and his house: the Treaty at Breda was condemned for "the crooked way that was taken by sundrie of our Statesmen for carying on the Treatie with the King". Other causes were failure to purge the Judicatories and the Army from Malignants: the attempt to bring back these men to office, fighting for the King's interest without subordination to religion, etc.

It is evident that there was a good deal of recrimination at the meeting, and it was discovered that a "very lame account" had been given to the Assembly which had sent the invitation to Charles at Breda, of what had really happened during the negotiations,[2] and the Moderator regretted that the plain business had not been made known to the Assembly. The Causes of a Fast were sent to ministers and in some cases ministers refused to read them.

Then towards the end of October there was sent both to the Estates and to the Commission of Assembly a document/

[1] Peterkin. Records of the Kirk. 600. [2] Nullity p. 20

ument entitled "The Humble Remonstrance of the gentlemen, officers and ministers attending the Western Forces".[1] It embodied the Causes of the Fast and was in direct succession to the Declaration at the West Kirk. It repeats with added emphasis the charges against the Estates, condemns the Treaty at Breda and, after a strong indictment of the sins of the King, declares that the signatories cannot own him or his interest in the quarrel with the enemy, and that he must not be entrusted with the exercise of power until there be convincing and clear evidence of a real change in him. Finally it contains the threat that they shall to the utmost of their power endeavour to get these things remedied against which they complain. This last gave greatest offence of all.

This Remonstrance was, as Argyle pointed out to Wariston,[2] a direct challenge to the King, whose authority as head of the State it ignored, seeing it was addressed not to him but to the Estates; in condemning the Treaty it challenged the action of the Assembly, for the Assembly had approved of that, and in addition it contained a threat of independent action on the part of the signatories.

At the meeting of the Estates the Declaration was received with intense indignation. It was defended by Wariston. He was accused of being its instigator, and Balcarres would/

[1] Register of Commission. III 95. [2] Diary III 29,30.

would have him removed for his contriving of it.[1] He denied responsibility for it, but admitted that he shared the sentiments of the authors.[2] He fought hard against the punishment proposed to be inflicted on them, and he was so much out of sympathy with the Committee that he asked to be allowed to absent himself from its meetings. The Estates sent to the Commission their opinion of the Remonstrance, desiring them likewise to give their sense of it. On November 28th the Commission of Assembly, while deprecating some statements in the Remonstrance, admitted that there were in it "many sadd truths" charged upon the King, his family and the public judicatories.

Matters had now come to a desperate pass in Scotland, the English holding all the country south of the Forth, and men began to speak of calling in the help of the Malignants to save the situation. We have seen that the King's letter to the Commission after Dunbar had asked whether those who had participated in the Engagement might be permitted to enrol in the army. On December 12th the question was again raised at his instigation.[3] A query was sent to the Commission of Assembly from Parliament then in session at Perth asking what persons were to be permitted to rise in arms and join with the forces of the Kingdom against the armies of the sectaries. On December/

[1] Diary III 28. [2] ibid. 78. [3] Laing MSS I 312.

December 14th the answer was returned "By the law of God and Nature . . . . all fencible persons in the Land, except such as are excommunicat, forfaulted, notoriously profane or flagitious".[1] For the excommunicated, a return was possible by repentance and taking the Covenant.

A copy of this Resolution of the Commission was sent to Presbyteries along with the copy of "An Act for censuring such as act or comply with the Sectarian army now infesting the Kingdom". Many of the Presbyteries regarded the Resolution as a compliance with Malignants and an opportunity provided for them to circumvent the ban passed by the Church on the Engagers. The Presbytery of Stirling in particular dissented strongly, declaring the Commission's verdict to be contrary to the Kirk's denunciation of the Engagers, and pointing out that there was no mention in it of religion; all was for the Kingdom and therefore for the King's interest. By some means - Wariston was blamed for it[2] - this answer came into Cromwell's hands, and he, quick to grasp his advantage, printed and distributed it under the title, "A Remonstrance of the Presbytery of Stirling against the present conjunction with the Malignant Partie". The Estates meantime dealt with the two ministers of Stirling, Guthrie and Bennett, and ordered them to remain at Perth or Dundee until the King and Parliament should/

[1] Commission Register. III 159. [2] Nullity vol. 195.

should meet.

With the publication of this tract there began the pamphlet war between Resolutioners and Protesters, none the less bitter because the weapons were not swords but pens. Two parties appear in Church and State, on the one hand the party comprising the majority of the Estates and the Commission of Assembly, called Resolutioners because of their Resolution to levy an army on the strength of the answer to the Query, on the other the Protesters, headed by James Guthrie, Samuel Rutherford and Patrick Gillespie, ministers, with Wariston and Sir J. Chiesley. Wariston was the Protesters' champion in the pamphlet war. He revelled in controversy, and his knowledge of Church law and history made him a formidable opponent to men like Robert Douglas, David Dickson and Robert Baillie, the leaders of the Resolutioners. He flung himself heart and soul into it, and for the next three years was chiefly instrumental in keeping alive the fires of strife.

When the Commission of Assembly met in January an endeavour was made to vindicate the Resolutions and to conciliate the protesters. They drew up an answer to the Remonstrance of the Presbytery of Stirling and sent it to all Presbyteries, and at the same time emitted a solemn warning to all the members of the Church for clearing every man's judgment anent/

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anent the Public Resolutions.[1] They also held a conference with the two ministers of Stirling, James Guthrie and David Bennet, and with Samuel Rutherford at St Andrews in which the question of joining with Malignants was fully discussed. Wood, for the Resolutioners, agreed that a conjunction with strangers and idolaters was inadmissible, but that there was no Scriptural prohibition against joining with those who were members of the Kirk and citizens of the State against an invading enemy. The dissenters condemned the alliance on the ground of Deut. 23, 9-14, where the host going out to battle is ordered to keep itself from every unclean thing, and put forward this passage of Scripture as the rule for purging of armies. It was replied that this was a straining of the sense of the words. Row is quite right in saying in a foot-note, "There was certainly more propriety in the arguments of the protesting party, which were drawn from the impolicy of intrusting the command of the army to unprincipled royalists, than in their appeals to the judicial laws of Moses".[2]

In March 1651 Parliament met at Perth and had to deal immediately with the question of some who had been added to the Committee of Estates who should have been debarred by the Act of Classes. It was considered advisable first to consult the Church as to the lawfulness of this addition, and the/

[1] Row. Life of Blair, 256. [2] ibid. 258.

the query was sent to the Commission whether persons previously debarred, who had now satisfied Church and State, should be admitted members of the Committee of Estates. After some evasion by the Commission, the query was repeated in more direct form, "Is it lawful in the circumstances to repeal the Act of Classes?" The answer was that the Church did not make the Act of Classes, therefore could not repeal it. If these men had satisfied the Church, had renewed the Covenant, were of good affection to the cause of God and of a blameless and Christian conversation, the State may do with them what it pleases.

This answer was sent to the Estates, and on the same day (May 24th, 1651) the Commission wrote to Presbyteries instructing them to seek out any within their bounds who disobeyed or opposed the Resolutions, and, if, after conference with them, they found them still disobedient, to cite them to appear before the next General Assembly on July 16th at St Andrews. This letter was to have serious consequences. As for Parliament, on June 2nd, 1641 the Act of Classes was rescinded, and henceforth such persons as had been disqualified by the Act from places of public trust or power were set free from these disabilities, only it was provided that they must satisfy the Church for their offences and take the Covenant. There followed a scramble to profess penitence and secure places. Sir James Turner writes in his Diary "At length I am absolved/

absolved and made Adjutant General of the Foot. Behold a fearful sin. The ministers of the Gospel received all our repentance as unfeigned, though they knew well enough they were but counterfeit, and we on the other hand made no scruple to declare that Engagement to be unlawful and sinful, deceitfully speaking against the dictates of our own conscience and judgments". Wariston has good cause to speak of it as a "mock repentance".[1]

Meantime what is Wariston doing? The Government is at Stirling, he is in Edinburgh, which is in the hands of Cromwell and his army. When the castle surrendered, the stipulation had been made that the national Registers housed there should be transported under a safe-conduct to Fife or Stirling to the Scots Parliament, and for this purpose Wariston as Clerk Register was sent to Edinburgh. The Registers were duly placed on board ship, but the vessel was seized at sea and brought back to Leith. Then ensued a long and vexatious delay, and the pages of the Diary are full of his endeavours to persuade Cromwell to surrender them. Wariston is in no enviable position in Edinburgh, for Parliament had passed laws condemning any who had dealings with the enemy, and men said Wariston was remaining in the capital a suspiciously long time. He had already incurred popular hatred for his purging of the army/

[1] Diary III 56.

army and his objections to the Resolutions, and now rumour has it that he is corresponding with the enemy and betraying military secrets.

How groundless these charges are is evident from the Diary. Cromwell had refused him a pass to remove the Registers, claiming justification in that Middleton had broken his parole as a prisoner in England and also because the Scots at Stirling had hanged as a spy a certain man Hamilton, who, Cromwell claimed, was an officer of his. There are letters of Wariston's to the English General, strong and dignified protests, arguing that some of the Registers are private property and that the terms made at the surrender of the castle could not be affected, according to the usage of all nations, by subsequent events.[1] Many entries in the Diary show Wariston striving with all his power to discharge his trust, keeping his temper in control, a difficult matter for him, arguing the matter with the English officers. And it was with a prayer of thankfulness that in the end he saw his purpose achieved. A charge of treachery brought against him in modern times by W. S. Douglas for betraying to the English the Scots attempt to relieve Blackness Castle has been fully disproved[2] and need not be dealt with here. Whatever attitude Wariston may have taken/

[1] Laing MSS. Catalogue.

[2] Morison. Wariston's Life. 129.

taken on the politico-religious questions of his time, he was no traitor to his country, and he was by no means a persona grata with the invaders. He has no love for Cromwell. He calls the English leader "that proud piece of clay" and likens him to Rabshakeh in the Old Testament. He tells how the English guard spoiled his house, burned all its woodwork and railed on him as a spy for the King. Unfortunately, with his own countrymen he had lost favour and was practically an Ishmael. He goes in fear of his life from the moss-troopers, and the soldiers threaten him and his family. He is out of sympathy with the Committee of Estates and has few friends in the Church. Had it not been for their fear of losing the Registers, he says, he would have been carried away as a captive.

Chapter XII.

"The Pretended Assembly".

The Assembly is to meet at St Andrews on July 16th 1651 and Wariston and his party are preparing for it. Their tempers have been sharpened by the publication by the Commission on March 26th of an "Exhortation and Warning to the Ministers and Professors of this Kirk"[1] in which they declared that the Remonstrants were the real Malignants and Covenant-breakers, prohibited all opposition to the Resolutions and called for loyalty to the King, the only Covenanted King in the world. Wariston had prepared his testimony against the Resolutions. He had been in doubt whether or not to go to the Assembly and had adopted his favourite plan of casting the lot. On June 29th his wife wrote him a "confused letter" telling him it would not be safe for him to go, for she had heard he was to be accused of bringing in the English army, breaking the Scots army at Dunbar by purging, and contriving and penning the Western Remonstrance.[2] The matter was, however, decided by an order from the Estates commanding him to appear at Perth by 3rd July and to remain with the Government. This, he saw, was meant/

[1] Peterkin. Records 639. [2] Diary III 78.

meant purposely to prevent his presence at the Assembly.

There was more sympathy for him in the Commission of Assembly than in the Committee of Estates. A meeting of the former took place on 2nd July. There was not a quorum present, but they considered various matters, and among them that being informed that the Lord Register was written for by the Committee of Estates very peremptorily, they thought it fitting that letters should be written on his behalf, desiring that, because he was a servant of the Assembly and because of his past services to the Kirk, any procedure with him should be forborne until the Assembly met, "that some from them may be appointed to conferre with him for satisfying him in the Publict Resolutions, seing there hes not been yet any paines taken with him that way".[1]

It is evident that there was some heart searching going on among the members of the Commission and a good deal of dissatisfaction with the effect of the Resolutions. At their meeting on June 13th they had addressed to the King and the Estates a strong letter of protest, pointing out that in spite of their resolutions as to the qualifications of persons who were to be readmitted to office, some men of notorious character had been appointed to the Committee, and some elected to positions of trust who had been opposers of the Covenant.[2]

They/

[1] Assembly Commission Records III 494. [2] ibid. 477-8.

They were realising now that they had been duped and had left themselves powerless in the land. They had no desire to have Wariston's fierce invective flung into the scale against them and were probably relieved that his voice was not to be heard in the Assembly. But his protest was not to be silenced, and he sent it by his wife to be delivered at St Andrews. His letter of instruction to her orders her to deliver it before they fall to any business, and says, "the not-exoneration of my spirit before the Lord and His people would be worse to me than al that men can doe to me and agaynst me".[1]

The Assembly was duly held. Wariston's papers were not read, but delayed till a more convenient time. He writes in the Diary that "they spent the Saturday forenoone on ministers' stipends or manses, upon private billes, which Cassilis told them did not belong to them".[2] The substance of his papers, however, was known, for one man "rayled upon me and myn as dogs and traitors and deceivers, and deserving with al my servants to be hanged, for my wryting such papers to the Assembly".[3]

The papers were, 1. The Tractat anent the Testimonies. 2. Tractat agaynst concurrence. 3. The Ansuer anent the letter of Stirling. 4. The last pairt of the large Tractat which with the first pairt to be added to, ar al to be presented/

1. Laing MSS. 2. Diary III 101. 3. ibid. 86.

presented to the Assembly.[1] Enclosed in the principal letter was a paper showing from the past history of the Kirk "that the way of protesting against every encroachment upon the liberties of this Church is no new thing, but hath been the constant practice of our faithful predecessors from the beginning of the work of Reformation". There is added to it a protest on the part of the writer against the confinement of the ministers of Stirling and other things prejudicial to the Covenant and the cause of Jesus Christ.[2]

With regard to these papers Wariston feels that he is but saying what God has given him, "Thou putt it in my heade to wryte, Thou hast dyted it al. Thou hes maid me but a channel to let Thy liquor runne throu".[3]

As soon as the Assembly met, a discordant note was struck, the retiring Moderator, Mr Andrew Cant, preaching in the forenoon against the public proceedings and the new Moderator, Robert Douglas, in the afternoon contradicting him.[4] Objection was made to the members of the former Commission taking their seats owing to their proceedings having been "scandalous". The Protesters pressed for an adjournment of the Assembly and delay in ratifying the Commission's Resolutions; they pointed out that these were against Acts, Warnings, Declarations of former Assemblies. At the second day's meeting, Balcarres/

[1] Laing MSS. I 266-8. [2] Nullity Vol. p.8. [3] Diary III 79.
[4] Peterkin. Records 626.

Balcarres, the King's Commissioner, presented the King's letter demanding the censure of those who were contrary to the public resolutions. This meant that the King would have the opposers censured before the Assembly had "medled with the public resolutions". This added fuel to the fire. On the night of Sunday, July 20th, news came of the English victory at Inverkeithing, causing the Assembly to adjourn to meet at Dundee on the 22nd. Immediately Cant handed in a Protest against and Declinature from the Assembly, signed by twenty eight ministers. It alleged, 1. That the election of Commissioners was prelimited by the letter and Act sent down to Presbyteries, 2. that by the movements of the enemy there was not free access to the Assembly, 3. that by the late Commission's Declaration and Warnings, the civil magistrate had been stirred up against the Protesters. On these grounds it was claimed that the St Andrews-Dundee Assembly was a pretended Assembly. This Protestation was followed by another paper for strengthening and clearing the grounds of that Protestation and answering such objections as are usually made about the same. The author was Rutherford.[1] There was also a shorter protest signed by seven ministers sent from Perth.[2]

The presenting of these Protests is an event of the first importance for a study of the period, for the effects of/

[1] Peterkin. Records of the Kirk 627. [2] ibid. 629.

of it were to be felt for many years to come. It caused a breach in the ranks of the Covenanters which widened until the cleavage was complete.

The Protest was set aside, the Resolutions and Acts of the late Commission ratified and James Guthrie and two others deposed from the ministry. The Resolutioners had triumphed. But the triumph was short lived. Within a few weeks the majority of their leaders were seized at Alyth by Cromwell's troopers and sent prisoners to England.

To Wariston the news that the Protest had been given in brought sheer exultation. It was an answer to his prayers. And the defeat at Inverkeithing with the crowning disaster shortly afterwards to Charles at Worcester were accepted by him as manifest tokens of the Divine judgment on the unrighteous acts of his opponents. He busied himself with his pen to support the action of his friends. The Protest against the Dundee Assembly was answered by Wood, one of the Resolutioners, in a pamphlet entitled "A Vindication of the Freedom and Lawfulness and Authority of the late General Assembly". Wariston set himself to answer this, and produced a "Review of the said Vindication plainly holding forth the Nullity and unlawfulness of that pretended General Assembly", in which Wood's defence is subjected to a heavy bombardment by all the artillery/

Diary III 94.

ery of the lawyer's dialectic and his knowledge of Scottish history.

This pamphlet was not published till the following year, 1652, but we may take notice of it here. It is one of three pamphlets from his hand during the controversy and throws some light on the writer himself and on the events of the time.

Wood opens his Vindication by a general attack on the Protesters as being the chief cause of division in the Church and as usurping power in challenging the acts of a superior Court. He brings forward instances such as the answer of the Presbytery of Stirling to the Resolutions, the appointing of the Fast; the Western Remonstrance, excluding the King's interest from the war; and the protest against the Assembly. To all of these Wariston has an answer, showing among the rest that the Western Remonstrance only confirmed the resolution in the West Kirk, and that the Fast was not enjoined by authority but by a number of private individuals. With regard to the protest against the Assembly he touches on a point[1] of which he is to make practical use, that if the meeting at St Andrews was not a lawful free Assembly, then the Commission of the prior Assembly was still in power, and there was no usurping of power in the matter. Wariston declares that the Protesters sought to/

[1] p. 38.

to promote peace and that the responsibility for the disruption of the Church rests on their opponents.

Wood's Vindication of the St Andrews-Dundee Assembly contains some very feeble arguments which Wariston easily demolishes. He declares that the letter sent by the Commission to Presbyteries was no prelimitation, for the latter acted freely of their own accord in electing their Commissioners. The reason why some were not returned to the Assembly was that they had been so often elected that the Church was now objecting to their return as constituting a dangerous precedent. Why, Wariston pertinently asks, were they not objected to at the previous Assembly, and why was there chosen as Moderator a man who had been many times previously returned as a Commissioner?

A large part of Wood's defence of the 1651 Assembly is occupied with an attempt to prove that it was no more prelimited than that of 1648 when those who approved of the Engagement were excluded from membership. Wariston denies that the two cases are parallel, for practically the whole Church was expressing its mind in excluding the Engagers; they were acting also in accordance with past Acts and Resolutions of the Assembly and there was no protest made against their action. He seems to be on less safe ground when in defending the/

[1] p. 85.

the Commission's action in 1648 he tries to make a practical distinction between their 'referring' men to the Assembly and that of 1651 'citing' them before it.

On the three main counts in the Protest he shows Wood's answer to be feeble. 1. He brings forward in an additional paper several cases in which Presbyteries were actually prelimited by the Commission's letter. 2. With regard to members being unable to attend the Assembly owing to the movements of the enemy, Wood asserts that the same might have been said of Montrose's campaign. The reply of Wariston is that it was so much worse in 1651 that movement south of Forth was impossible except by means of a pass from the English, which was difficult to obtain. 3. The stirring up of the civil magistrate against the ministers of Stirling Wood declares to have been because they discouraged the garrison there, the country's last defence against the enemy, and not because they disagreed with the Public Resolutions. Wariston denies both the truth of the explanation and the danger of the garrison.

There is a lame attempt on Wood's part to defend the citation of Protesters before the Assembly. He asserts that this was done out of tenderness towards them on the part of the Commission, to save them from sterner dealings at the hands of their Presbyteries.[1] Wariston in reply pertinently asks/

[1] p. 126.

asks what sort of tenderness this is, to be taken out of the hands of a Presbytery and brought before the highest Court in the Church? And even greater weakness is shown in Wood's explanation of the Assembly's refusal to hear the letter which Wariston sent to it. It was because the letter contained some serious reflections on the King, and the friends of the writer desired to save him from the penalty which these might have brought on him![1]

With regard to Wariston's protest against the prelimiting of the Assembly of 1651, it must be confessed that he is on dangerous ground. He himself, as we have seen, had been the chief agent in excluding from that of 1638 those who were hostile to the Covenant, and it is beside the mark for him to argue, as he does, that the majority of the ministers of the Church were in favour of the same policy in 1648. In his later pamphlet, published in 1653, "An Answer to the Declaration of the Pretended Assembly at Dundee", he says[2] "He tells us that in the Assembly at Glasgow, all were excluded that did not take the National Covenant. But that was no prelimitation of due freedom, it was a requisite qualification".

The pamphlet remained unanswered, although Wood's arguments are repeated in a later production "A True Representation". It is marked by keen debating power and by that which is characteristic of the writer, great length of argument.

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[1] p. 238. [2] p. 98.

Chapter XIII.

Progress of the Controversy.

The scene shifts for a moment from East to West. One day in August 1651, a troop of Cromwell's cavalry on the march near Newmilns in Ayrshire heard the sound of voices in a wayside barn and discovered there a party of ministers. To the officer in command they declared that they had met to discuss the question whether or not they should resist the Acts of the Assembly of the Kirk. The officer's report stated that "they assured us . . . that God had set it upon their hearts that it was better to obey God than man, and so accounted their General Assembly a malignant usurped Authority and ought not to be obeyed".[1] This, he wrote, was "a work which I hope might well prove advantageous to us" and he let them go.

Livingstone, who had been one of the ministers concerned, related the story next day to Wariston. He also told him that they had discovered at their meeting "a number of very spiritual causes of the Lord's anger especyally in the ministry". There follows this significant entry in the Diary, "but when that of the sitting of the Commission was moved, som of them startled at it, and so was layd asyde til they saw how men/

[1] Firth. Scotland and the Commonwealth. 317.

men ingaged in the Protestation. I lyked not this last".[1] Wariston evidently had suggested to them that they should regard themselves as the Commission of 1650, which, since the Dundee Assembly was only a pretended Assembly, still existed. When he heard of the capture of the Commissioners at Alyth, he wrote "I thought that this contributed the mor to the calling of the old Commission".[2] Later they were to act on his suggestion.

A meeting of the Protesters was held in October in Edinburgh. It began with prayer and confession of sins, but the confession degenerated into an exposure of private sins which was regarded as both unscriptural and uncharitable. Some of the members were too critical for Wariston's comfort. He himself had spent an hour over his confession, but it was remarked by some that he had said nothing about his "disponing places to offensive persons", referring to his work as Clerk Register. He was also bidden to clear himself of compliance with the enemy. There were signs, too, of weakening in the party, which he did not like. James Durham was there, and when Gillespie moved for a more rigorous campaign against the Resolutions, Durham brought forward many arguments for the opposite policy. Wariston replied to Durham, and the debate became so heated that Guthrie called it a "deserted meeting and to miss God's presence". In the Diary Wariston writes "The Lord/

[1] Diary III 117. [2] ibid. 122.

Lord by M. J. D(urham's) debayte confirmed me of my first feares and thoughts that his mingling with us would brake us, for he neyther would joyne against Assemblye nor concurrence, and so would draw off many off us, especyaly seeing he told us that he had warrant from som eminent men of the uther syde, which troubled me verry much".[1] Alexander Jaffray of Aberdeen, too, at one of the meetings proposed some things in the Covenant as unlawful to swear to. He had been a prisoner in England and had had some dealings with the Independents. Wariston writes of him, "I feare his conversing with their people hes shaiken him . . . I see mor and mor that it shaikes men, even the fixedest strainglye, when they converse with on enemye or another".[2] The danger from Jaffray was not that he should go over to the Resolutioners, but that he should desert Presbyterianism and set up Independent congregations after the model of Cromwell's party.

Jaffray mentions in his Diary that he had given in a paper at the meeting on "The Causes of the Lord's Controversy with the Land", and it was probably this along with similar ideas from the ministers captured at Newmilns that made Wariston on 10th October draw up the pamphlet entitled "Causes of the Lord's Wrath against Scotland". It has usually been attributed to James Guthrie and was one of the counts in his indictment before his execution. It was condemned and burned by/

[1] Diary III 147. [2] ibid. 148.

by the hangman in 1660. From the Diary it appears that Wariston was the real author. The explanatory title describes it as "Some General Heads of the causes why the Lord contends with the land, agreed upon (after seeking the Lord) by the Commission of the General Assembly 1650". Here the Protesters assert the claim suggested to them previously by Wariston to be the real Commission of the Church instead of that which acted in 1651. The pamphlet begins with a record of sins in general, such as atheism, profanity, despising of Christ, neglect of family worship, and goes on to mention the abusing of public faith in borrowing money, insincerity in taking the Covenant, etc. There are ten articles in all, one of them, the defection from the Covenant, having nine steps in which the author repeats the old charges of the Western Remonstrance against the King, also the public resolutions and the prelimiting the Assembly. There follows a long enlargement of these heads, with many details even to the excessive use of tobacco. And the charges against the King are developed under nine heads in a scathing merciless attack on the royal character and conduct for treachery and malignancy and opposition to the work of God.

The whole production is a savage piece of work and in the form in which it was published in March 1653, it was an appeal to the people in general rather than to the Committee of Estates or an argument against the Resolutioners. One does not/

not wonder that Charles found it difficult to forgive its author.

Whatever purpose Wariston expected his pamphlet to serve, it did not help to unite his own party or to gather adherents to his cause. The intolerance and violence of the leaders began now to cause a reaction, and there were distinct signs of the party breaking up. Within a month of the Edinburgh meeting, the Protesters in the West met at Kilmarnock and from their deliberations came a paper entitled "A Discovery after some search of the Sinnes of the Ministers, of which (as we conceive) the Lord is angry and hath almost made His Ministers and Ordinances vile and contemptible".[1] Many sins are mentioned, among them oppression in forcing men to take the Covenant, but the sting for Wariston and the extremists is in the tail, for among the last mentioned is "pitching upone our forme of presbyteriall governement, as the utermost attainable perfectione of reformatione".

Many of the people seem to have been of the same mind. They had become tired of factions and strife in their own Church, and their experience of English rule and of the Independent religion made them not unfriendly to both. So when the English Parliament passed laws for the Incorporation of Scotland into one commonwealth with England, there was a general/

1. Balfour. Annals IV 333.

general readiness on the part of Shire and Burgh to accept the Tender. The Kirk objected. Both Resoluticners and Protesters denounced the scheme. Blair said "As for the embodying of Scotland with England, it will be as when the poor bird is embodied with the hawk that hath eaten him up".[1] Objections and denunciations were in vain.

A feeble attempt at expostulation to Cromwell was made in January 1652 in a letter signed by Wariston, Chiesley and some others.[2] The writers protested against the invasion of their country, expressed their fear that it would lead to the evils of toleration and the subordination of the Church to the State. Nothing came of it, and the acceptance of the tender became general. The biographer of Blair states that there was a suspicion that Wariston's party had underhand dealings with the enemy with the purpose of erecting Scotland into an independent Commonwealth,[3] but there is evidence in the Diary to the contrary, for Wariston expressly states that the English Commissioners regarded him as their worst enemy.[4]

At this point Wariston occupies the unenviable position of a general waging war on three fronts and with an ominous outbreak of mutiny in his own ranks. He has the English sectaries to contend against, with their menace to the liberties both of Church and State. There is also the increasingly bitter strife with the Resoluticners, and his pen never/

[1] Life. 291-2.
[2] Terry. The Cromwellian Union. p.16.
[3] Life. 293.
[4] Diary III 153-4.

never rests, filling reams of paper in the controversy. In addition Saunders Jaffray is threatening to establish congregations in Aberdeen which repudiate Presbyterian Government.[1] And in his own camp Patrick Gillespie, one of his stoutest henchmen, shows ominous signs of going over to the English interests and disdainfully calls Wariston's campaign "a paper busnes and a paper feyght".[2] Things are coming to a desperate pass.

The controversy went on. The Resolutioners, acting as the Commission of Assembly of 1651, called a new Assembly for July 1652. The Protesters, refusing to recognise any Commission of that pretended Assembly, entered a new Protestation against it. It was entitled "The Representation, Propositions and Protestation of divers Ministers, Elders, and Professors" and bears to have been presented by Wariston, Cant, Livingstone, Rutherford and others.[3] It opened with a protest against their assumed authority and made application that without assuming any such power, they should hold a Conference, matter for which was given in eight propositions, drawn up after some debate by Wariston. The first demanded that they give evidence that they adhered to the Covenant and the Acts of uncontroverted Assemblies. Others dealt with the securing the cause and work of God against heresy, schism and malignancy; with safeguarding the purity of the Communion, for all sorts/

[1] Row. Life of Blair. 297. [2] Diary III 224. [3] Pamphlet of 1652.

sorts of men had been admitted to the Church by the public Resolutions. The eighth requested enquiry into the best way of avoiding the evil consequences of the pretended Assembly at St Andrews and Dundee.

The Protestation was gathered up into four heads, contending that the meeting possessed no authority because it was dependent on the pretended Assembly,- because election was prelimited and because many Presbyteries refused to send Commissioners.

The Protesters asked that their paper should be read before the Assembly was constituted. It was answered that the Assembly must first be constituted and that thereafter the Protest would be heard. Wariston answered "We expected no other answer"[2] and immediately set about getting the papers printed. The Protestation bears the signatures of 67 ministers.

On July 28th a Conference took place to which Wariston and other delegates from their party were sent with certain instructions. They were to declare to their brethren that they did not recognise them as a Commission but only as a meeting of ministers and elders wanting any such authority. They were also to demand that any offers made by the Resolutioners should be given in writing and that there should be no discussion about censures. In addition they were to request some/

[1] Diary III 181. [2] Row's Life of Blair. 296.

some explanation of the Public Resolutions and of the constitution and proceedings of the Dundee and Edinburgh meetings. The Resolutioners refused to give answers in writing, "som of them professing as the reason of their refusal that if they gaive us on sheet, I would returne to them 25", Wariston says.[1] They offered to withdraw the censures "justly" passed on the Protesters by the St Andrews-Dundee Assembly, provided that they on their side passed from their Protestation and ceased to foment division. The answer to this offer was a direct refusal by the Protesters to retract their testimonies or to admit the lawfulness of the Assemblies or their power to inflict or take off censures. Their reasons, five in all, why they could not agree, they put in print,[2] and the breach was now impassable.

Throughout the country during this period the state of the Church was pitiful. Not only were there two bodies, each claiming to be the Commission of the Church, but in many cases rival bodies claiming to be the same Presbytery, and two ministers each asserting his right to be the minister of the same parish. To such a pass had the controversy gone.

There was a further attempt at peace in November 1652. It came this time from the Protesters meeting in Edinburgh as the Commission of 1650. They wrote to the other party/

[1] Diary III 183. [2] Reasons etc. 1652.

party offering another conference. They would forbear acting as the Commission provided the Resolutioners would not claim to be a Commission or seek to put into execution the Acts of the meetings at Dundee and Edinburgh. The Resolutioners agreed, but, before their answer reached the Protesters, the Assembly had risen, and Wariston and his friends sent an angry letter withdrawing the offer they had made.

It was at this point that the Protesters published the "Nullity of the Dundee Assembly" followed by the "Causes of the Lord's Wrath" which, as we have seen, came from Wariston's pen.

Throughout this war of discussion and pamphleteering, Wariston was the moving spirit. More than any other man among the Protesters, he was responsible for keeping alive the flame of controversy. Before the July Assembly met, the entries in the Diary record rumours of some of his party being ready to concur, and he led the debate anent non-concurring with the Assembly and gave testimony against their constitution.[1] It was he who drew up reasons against the acts of the last Assembly, and convinced them that they could not concur without passing from their protestations.[2] He was well aware that he was regarded as the source of all the strife. The Diary does not conceal these things. His wife was told[3] "that I was called and counted the cause of al the distance and division/

[1] Diary III 168. [2] ibid. 169. [3] ibid. 180.

division". "The ruyner of the Kirk of Scotland", the Resolutioners called him.

In July 1653 another meeting of Assembly took place in Edinburgh, but before any business could be transacted English officers entered and forcibly dispersed the gathering. Baillie[1] states that this suppression greatly gratified the Protesters, but Row on the other hand asserts that although the latter would not recognise the Assembly, they protested against the English dissolving it.[2] The same fate befell their own conference in Wariston's house in the following year.[3]

In the latest Diaries there are references to abortive attempts to bring parties together, in which James Durham seems to have played the part of intermediary. On 3rd May 1655 Wariston records that he heard of a letter of Durham and James Guthrie about a conference, and that he was surprised and expressed his fears of evil and little or no hope of good "especially when they are fixed and united and we are disjoynted and gotten once moving". They appointed a Committee, of which in spite of his protests Wariston himself was a member, but it was given power only to hear and report and to make no advance on the party's previous offer to their opponents.

At the end of the same month another meeting took place/

1. Letters III 225, 244. 2. Blair's Life 308.
3. Diary III 305.

place with Blair and Durham in which Wariston spoke with much freedom. "I urged" he says "the duty of my endeavouring repentance of the nation in all my relations and capacities, whereat they stormed terribly". On Blair pressing for agreement, Wariston argued that the controverted points should remain as they were and that meantime they might join in the practice of all common duties in judicatories.

The debate was carried on with so much heat that some of those present became heartily sick of the whole business, for the Diarist says that Carstairs and Gillespie let fall that, if they had thought on all the inconveniences, they had abstained from protesting at St Andrews. He himself was regarded as the mischief maker, for "M. J. Durham desired I might not be at the next Conference or hold my tongue".

A last attempt at reconciliation took place in November 1655 and was carried on for nearly a month by means of written communications. There were offers and proposals, with queries as to the meaning of terms, and refusals from both parties. Baillie states that the Protesters' papers "were all framed by Mr Guthrie's hand of Wariston's materials".[1] These showed no abatement of their demands or change of their attitude. The Public Resolutions, the Acts of the controverted Assemblies and all Acts of Presbyteries and Synods dependent/

[1] Letters III 296.

dependent thereon must be made void both for purposes of censure and as importing the definitive judgment of the Church, and future Assemblies must not be prejudged in the points to which exception had been taken in 1651, 1652. They demanded also that, being in the minority, they should have equal representation in the Assembly with their opponents, otherwise they would be outvoted on every question. The Resolutioners offered to annul the Acts as grounds of censure and to refer matters in dispute to a free Assembly on the understanding that the Protesters ceased to disturb the Church by their protests. They seem to have made a definite approach towards agreement, but it was all in vain. The Protesters answered with a non possumus, and it was written some days before the last paper of the other party was handed to them.[1] Wariston expresses his view of the business in the Diary,[2] "We gave more than we sought, because they were but to lay aside their censure, and we laid aside both the Commission of 1650 and the use-making of the Ordinance". With this final refusal of his party Wariston was in thorough sympathy, if he was not indeed the prime instigator of it. He declares in the Diary his own idea of the policy they ought to pursue. Under date September 3rd 1655 he speaks of a meeting of the sub-committee in which he urged as the best means of union that they should be reunited to God and/

[1] Consultations &c 160 [2] Diary IV 26/11/1655.

and desire the other party to concur therein, and then join with them in the Commission and Visitations 1650. He objected to the idea of petitioning the Council to settle the dispute, for it made them arbiters of the dispute. He would petition that "they would restore us to the condition wherein they interrupted us in 1650 and let the remnant apoynt thes of the Commission and Visitations 1650 . . . and let them back them with their civil authority, and wee shall be content to taik in the Godly of the Public Resolutioners that wil ingage to prosecut thes business . . . and so seperat them from their trayne".

We have seen that it was he who first suggested to his party that they should claim to be the Commission of 1650 still in authority. It is this he insists upon still. We shall see later that it became one of the principal planks in their platform. But he hoped for too much when he imagined that he could break up the solidity of the Resolutioners and attach the best of them to his side.

A year later we find him making another overture for settling controversy by the appointing of a Commission of six to do all the duties of the magistrate in reference to ecclesiastical matters, and in the divided condition of the Church by calling together of ten or twelve ministers from both sides along with some moderate men and five or six elders "to meet and resolve anent means and overtures of union among themselves and to give advice to the magistrate on the one part and/

and the judicatories of the Church on the other part, and to endeavour that every party may consent to intrust these with power to settle differences and purge and plant where there could be no agreement". Nothing seems to have come of this suggestion.

While these attempts at peace by conference were being continued for several years, the pamphlet war went on without ceasing and Wariston played his usual prominent part in it. Reference is made in the Diary to one of these, which seems to have been the last he published. It is entitled "An Answer to the Declaration of the Pretended Assembly at Dundee, with observations on some of the Acts of the P. Assemblies at Dundee and Edinburgh", and it was printed in 1653. It is of the nature of a Review of Reviews, containing not only an answer to the Dundee Declaration, but also to a printed refutation of the Protestation of July 1652. It follows much the same plan as the "Nullity" Pamphlet, the review of the Protestation being answered paragraph by paragraph.

In the Review there were seven steps cited, charges against the Protesters - the resisting the levy of troops, the purging of the army, the separation of the Western forces, and everything the party had done. These Wariston answers in his usual caustic and trenchant way, and then retaliates by citing ten steps of the Resolutioners' defection from their former/

former principles. He traverses the ground from the Treaty at Breda, through their tortuous ways of deceit, the answers to the queries, on to his tenth step in the Public Resolutions. Thereafter he takes up the Reviewer's attacks on the conduct of the Protesters, their claims to be a Commission and their Assemblies, and the rest of the pamphlet is a series of charges and counter-charges. There is added to it a series of critical observations on the Acts of the Assemblies; 1. The Act at Dundee, approving the proceedings of the Commission of Assembly. 2. Those Acts ordaining censures on those who do not acknowledge the authority of the Assemblies at Dundee and Edinburgh. 3. An overture of the Assembly for the peace and union of the Kirk. 4. The Assembly's Letter to Noblemen and Barons condemning the Protesters. 5. An Act for putting into execution former Acts of Assemblies.

In these he pours out his whole soul, the bitterness of his spirit as well as the strength of his convictions. Of the Letter to the Noblemen he has no less than sixteen criticisms to offer, declaring "that the wicked, malignant, loose, prophane persons in the Land, almost to a man, and as one man, do zealously and to their pith, oppose, and contradict and reproach that "divisive way", and cordially promote and commend . . . the way of these two Assemblies at Dundee and Edinburgh". The Protesters, he asserts, have been driven violently out of the/

the Church by unjust censures and persecutions.

In estimating Wariston's part in the controversy it is difficult to pass judgment in the way either of unqualified approval or condemnation. One might wish that it had been carried on with less bitterness,that in the face of a common danger both parties might have shown more of the spirit of accommodation and thought more of the cause of Christ than of their own triumph, but of this there is little evidence. The opening sentences of their several communications to one another throw down the gauntlet straightway, for while the Resolutioners style themselves the Commission of the General Assembly, the Protesters insist on addressing them as a gathering of ministers and elders lacking ecclesiastical authority, and they invariably speak of the Assemblies subsequent to that of 1650 as "Pretended". Neither side seems able to resile from its position without feeling guilty of abandoning the cause of truth and being false to its past actings. With a man of Wariston's determination leading the Protesters, we can expect nothing but unbending adherence to the line which he had adopted from the first. Other men of different convictions from his must change their position, there was no change for him.

The question arises here, How far were he and his party justified in refusing submission to the judgment of the Assembly/

Assembly when they believed that judgment to be wrong and the Assembly itself to be prelimited? Even if we grant that the counts in his indictment of the 1651 Assembly are valid, was he right in repudiating its authority and taking the extreme step of separating himself from it? If submission to a Church Court is due no longer than one admits its decisions to be right, then there is surely an end to all Church government. Was there no other way for Wariston to take? Can we not conceive him acting as many another has done in similar circumstances, entering his protest against the decision of the Court and his dissent from its judgment, and with a clear conscience still remaining one of its members? There had been no schism had he taken this line. Did it never occur to him to whom "Presbytery was more than all the world" and who believed in its jus divinum, that he was making his idol a public spectacle not only in Scotland but throughout Europe?

So it may be argued, and one might wish that his conscience had allowed him so to act, but it was not to be. These questions are discussed fairly and with much point in a pamphlet printed in 1659, entitled "A Review and Examination of a Pamphlet lately published, bearing the title of Protesters no Subverters". It was the work of Wood and Hutchison, two of the Resolutioners, and is one of the most powerful tracts of the whole series. It is maintained there "that in no/

no society in the world it will be allowed that particular persons and societies should not submit but counteract to the whole; and that Government cannot stand where there is not a submission, at least passive if not active, and that it is a ruled case that rather one than unity should suffer".[1] Men are entitled to appeal from sentences they deem unjust, but, having exonerated their consciences by such an appeal, they should submit. "This being the true state of the Question, and indeed a safe remedy appointed by God, that when men in a Church cannot in conscience obey a command, then they may with a good conscience submit and suffer; for, the Lord's commanding us to submit and our engaging thereunto, doth import there may be cases wherein we cannot give active obedience. It is a miserable mistake all along in the most part of this debate, that Obedience is confounded with Submission and Suffering". And it is pointed out that while it is a man's duty to protest against evil in the Court, he may submit to the Court and at the same time obey God.

But as Beattie[2] reminds us, the subject is one of great delicacy and is liable to be perverted to the protection of ecclesiastical tyranny. The great difficulty lies in the application of the doctrine to particular cases and in the practical fixing of its boundaries. If personal interests only were concerned, one might submit to an unjust sentence rather/

[1] p. 107. [2] History 287.

rather than cause schism in the Church, but the Protesters might well deny that the Public Resolutions and the censures passed on ministers were merely personal and not public.

Little good came of all the discussion. Pamphlets might convince outsiders, but the principals in the controversy had long passed the stage at which argument could affect them. They were too strongly entrenched in their own positions to be amenable to reason. The Church was fated to remain torn asunder for many a long year.

Chapter XIV.

Parties and Cromwell.

The alignment of parties is now changed. They have made no progress in the settlement of their quarrel and they now turn to the English Government in the hope of gaining some advantage by its support.

At first Cromwell favoured the Protesters rather than their opponents, for the former were anti-Royalists, and he had some hope of winning them over to his policy. By an ordinance passed in August 1654 he authorised the Commissioners for visiting the Scottish Universities to take care that no minister be admitted to a church who had not been certified by certain ministers and elders, or any four of them, nominated for each of five districts, to be "of a holy and unblameable conversation disposed to live peaceably under the present Government, and who for the grace of God in him and for his knowledge and utterance is able and fit to preach the Gospel". On this Board of Triers the great majority were of Wariston's party and his own name was on the list. It was a tempting opportunity, but they declined to take it, and Wariston himself spoke strongly against it. Their objection arose not from a stubborn/

[1] Diary III 304.

stubborn refusal to receive favours from the English, but from principle. At a meeting held in Edinburgh on 23rd August 1654, the meeting which was broken up by Cromwell's soldiers, the matter was discussed and a document drawn up giving the reasons "Why the ministers and others nominated by the Protector could not take upon them to give certificates to such as enter the Church of Scotland". This paper is published in the volume "Consultations of the Ministers of Edinburgh" [1] and is a strong and dignified piece of reasoning. It seems to bear the impress of a legal hand and probably Wariston had a large share in its production. It asserts that the Ordinance is authoritative, arbitrary and prelatical, and exception is taken to it chiefly on the ground that "usurped civil powers are acknowledged to be the fountain of lawful ecclesiastical powers". It is authoritative, assuming to itself the rights of Presbyteries and Synods. It is arbitrary, for the terms of the ordinance regarding the qualifications of ministers are so general that no certainty can be drawn from them. Certificates may be given to men opposed to the worship, doctrine and government of the Kirk of Scotland. And it is prelatical, for power is given to three or four persons nominated by the civil power over a whole province or several provinces. All this is summed up in the statement that "Whatsomever imployment in the Hous of God is arbitrary and prelatical and destructive to the power/

[1] p. 57.

power of Presbyteries and Synods, that it is an imployment in itself not warrantable, but sinfull and unlawfull". The writer then goes on to challenge the list of qualifications of ministers as named in the Ordinance as having sinful defects and sinful redundance, for they ignore the ordination by Presbytery on the one hand, and on the other assume that the minister must not write or speak or preach or pray against the present Government, which is already assumed in his being under Government.

There is a much sharper sting however in the latter part of the paper where the writer protests against the Protector presuming to give a call to employment in the House of God, and the Keys of the Church being put into any other hands than those of Christ. Dealing with the possible objection that the magistrate may do things in a troubled and corrupt state of the Church which he may not do when the Church is at peace, and that the state of the Church of Scotland is troubled and corrupt, he answers that, 1. He must be the lawful magistrate. 2. He must not exercise this power so long as there is any remedy left in the Church itself. 3. He must act not against the truth, but for the truth. 4. In the exercise of it he must put no sinful hands on men's consciences. In all these points he holds that the case goes against the Protector/

[4] p. 60.

tector. And the bold indictment follows,[1] "The Lord Protector is not the lawfull magistrat, nor is he upon the way of reformeing the Kirk, and in these certificats he doeth preserve an unwarrantable rule, and the thing is privitive of the power of the Presbyteries".

The Protesters were not alone in refusing to carry out the terms of the Ordinance, their opponents making a similar protest. In May 1654 Cromwell invited three representatives from the parties to meet him in London to discuss the affairs of the Church. For various reasons the invitation was declined, but papers expressing the views of the Resolutioners were given to General Monk and among them is one referring to the above Ordinance.[2] It is not so discursive as that of their opponents, but it lays equally strong emphasis on the wrong done to Church Courts, the sessions, eldership, presbytery and congregations. It declares that the Commissioners in each district have taken the places of the old prelates and with power more absolute than theirs, for while the prelates were subject to the Assembly, these Commissioners were not. And who is to guarantee the piety of those men who are to be judges of the piety of the applicants? Not only so, but in the province north of Angus the four members of the Commission have actually separated themselves from the Church of Scotland!

Thus both parties protested against the Ordinance/

[1] p. 66. [2] Baillie. Letters III 283. Consultations 71.

ance, and the protest was so effective that two years later the power to admit ministers into the Church was transferred to the Council in Scotland and stipends were to be granted on the recommendation of Presbyteries.

Various proposals were submitted by the Protesters. Their panacea for the ills of the Church was a thorough purging of the ministry, and for this purpose they asked for the appointment of a Commission of twenty-four ministers and six elders, their own representatives on the Commission of 1650,[1] with absolute power of a full jurisdiction over the whole Church. Failing to secure this, they demanded that their party should be allowed to send to the Assembly the same number of representatives as their opponents, and for purging and planting Churches a Committee of equal numbers should be appointed. This the Resolutioners refused as sacrificing their numerical advantage.

In September 1655 a Council of eight was established in Edinburgh to govern Scotland, with Lord Broghill as President, and representations were made to him by the Resolutioners[2] that their opponents' demands were subversive of all Church Government. They pointed out that the claim to be the Commission of 1650 allowed them to refuse submission to any Assembly till they found one to their liking, and various reasons/

[1] Baillie. Letters III 297. [2] Consultations 184.

reasons were further adduced to prove that the Commission of 1650 could not now be in force. Broghill looked with greater favour on the Resolutioners than on their opponents and his reports to Cromwell[1] give a very unflattering account of Wariston and his party. The Resolutioners, he says, are much the greater number of the ministry. The Remonstrators are as much divided among themselves as they are from the Resolutioners. Part of them are led by Wariston and Guthrie who are bitterly averse to your Highness' authority if not to any. The other, led by Patrick Gillespie and J. Livingston, who are pious sober men and friendly to your Government, yet still for the Presbyterian discipline, but who are really so weary of their brethren the Remonstrators, Wariston and Guthrie party, that they would close with any as soon as they. He calls Wariston and Guthrie Fifth Monarchy men.

This division in the ranks of the party was, as we have already seen, no new thing. It appeared in 1652. It raised its sinister head again in connection with the Ordinance of 1654 which was sponsored by Gillespie and strongly opposed by Wariston and Guthrie. It was to assume greater proportions later and to prove the most bitter drop in Wariston's cup. But so it always is where opinions are strongly held and violently expressed.

There was another proposal of Wariston's which attracted/

[1] Thurloe. State Papers V 557.

attracted some attention at this time; viz., a new Covenant from which all the articles of the former Covenant which concerned the King, Parliament and the liberties of the land or mutual defence, were omitted.[1] A foot note in Baillie's Letters p. 276, says that this was a paper on "Personal Covenanting" drawn up by Guthrie. That it was an endeavour on the author's part to separate religion from politics and ensure its freedom and spirituality is borne out by a remark in one of Broghill's letters to Cromwell. "The Remonstrators", he says, "are forming a covenant not to meddle with civil affairs, but only to strengthen them in faith and doctrine". But the authorities suspected some ulterior purpose in it, for Baillie states that the Council was highly offended and spoke threatening words to Wariston and Guthrie, who had to apologise for the attempt. It was not favoured even in their own party, for Gillespie called a meeting at Kilmarnock to crush it if he could.[2] Under date 31 August 1655 Wariston notes "Colonel Lockhart spoke very threatening things if we united to a Covenant together though even for religious ends and in religious words only. He said that the present power would never give or suffer power to one of the parties to use jurisdiction over the other, but would maintain all as long as he lived in their liberty of serving God as they thought fit".

It appears from this threat and from Baillie's remark/

1., 2. Baillie. Letters 297-8.

remark that "it declares the mind of those who are for it, to state the schism of our Church for ever" that there was some attempt by means of the Covenant to gain some advantage over their opponents. After this rebuff it was revised (1st Sept. 1655) and sent to the godly throughout the land, but an answer being returned by the majority that, though the matter was good, the time was not opportune, it was put off till a more convenient season.[1]

Broghill's policy had one result in that he persuaded the Resolutioners to accept an amendment of the Ordinance of 1654 by which stipends were to be paid by Presbyteries and every minister must declare his willingness to live at peace under the Government. To this Gillespie and Livingston agreed, but Wariston and his section of the Protesters resolutely refused.

There being now little prospect of any progress being made or any advantage gained in Scotland, both parties determined to send representatives to lay their case before Cromwell. The proposal was discussed at a conference of the Protesters in March 1656[2] and at that time Wariston opposed it. It came to the ears of the other party and they chose James Sharp, minister of Crail, to go up to London in their interests. Wariston notes that "the Public Resolutioners lays on my/

[1] Diary 20/11/1655. [2] Diary IV.

my speech to President the occasion of their sending M. Ja. Sharp and his going". Robert Blair suspected Sharp from the first, but Baillie had great hopes of "that worthy, pious, wise and diligent young man".[1] Baillie was to live long enough to change his opinion of his agent. Among the Protesters the first idea was to send up James Guthrie and Samuel Rutherford along with Wariston. The Diary records the reasons which incline him to go, viz., the straits of God's work and people, his desire to be in public service instrumental for the good of the cause and his encouragement from the Dunfermline Communion and their call after hearing his reasons against it. There is also added the more personal reason that he desired to get back some of his own money for the support of his family. He had spent all his means in the service of the Covenant; but he notes also what scares him, the fear of a conjuncture of his corruption and outward temptations and the Lord's deserting him to sinful compliance contrary to his word and principles. It was found, however, that the opinion of the party in the various Presbyteries was not altogether favourable to the mission. It was called by some "a plotted business by private persons for private design", James Guthrie having brought in Wariston's going and Wariston James Guthrie's.[2] Wariston was by no means a persona grata. He says that all his friends even the dearest condemn his rashness and inconsiderateness/

[1] Letters III 352. [2] Diary IV. 2 Sept.

sideratenes, and Lord Brodie told him that some thought they might out of no evil will to him counsel the Protector to restrain him from writing papers or meddling in Scots business.[1] It was then decided by the party to send up James Simpson, minister of Airth, but Simpson soon found himself unequal to the task and sent an urgent request for assistance. Thereupon at a meeting in November 1656 Wariston, Guthrie and Gillespie were sent up.

Before this appointment was made, there are entries in the Diary which shed an interesting light on Wariston's mind. He had protested against being sent to London, for he was afraid of his own weakness and dreaded being induced to accept office under Cromwell,[2] but behind his protests there was the hidden urge of his poverty and the needs of his large family. On October 30 he writes in the Diary that it occurred to him that if the Protector called him up as 'Procutor' of the Kirk he would go, and he cast the lot in his usual fashion whether or not he would write this to James Simpson in London. The lot was against it, but he did write to that effect on 1st November. Then follows a fine piece of sophistry. "My writing this much stak with me least it rubb upon my absteaning from wryting fully on Foorsday becaus of the lott, and least it have any hand in my calling up which may bring me to snaires scandals/

1. Diary IV.

2. Wodrow. History I 355.

scandals and dangers afterward, the Lord my God keepe me from sin or skayth by it. I have not sayd I would goe up and sundry are aprehending I wil be sent for, but I think ingenuously it looks too lyk to a willingness to go, yea to tempting them to tempt me be a call. God forgive me what thou thinks wrong in it".

Sharp was not left to work unaided in London. Letters were sent from the Resolutioners to several of the London Presbyterian ministers such as Calamy and Ashe giving the party's story of the controversy and reiterating the former charges against the Protesters. He was to lay certain desires before the Protector, chief among them being that Popery should be suppressed and ecclesiastical government continued by Acts of Assembly and Parliament: that no suggestion as to calling an Assembly be considered for the present: that there be no intrusion of ministers without the consent of congregations and trial by Presbyteries, and that the Ordinance of 1654 be made void.[1]

The delegates of the Protesters on the other hand were to ask that a Committee of equal numbers from both parties be appointed for determining differences in purging and planting churches: that the Protector should nominate a Committee to plant Kirks and have control of stipends and that Parliament should renew the Act of Classes.[2] They had the support of some of/

[1] Consultations 206-7. [2] Baillie. Letters III 353.

of the Independent ministers in London, but found the minds of many prejudiced against them, largely through the circulation of a pamphlet written for the occasion by Wood and Hutchison of St Andrews entitled "A true representation of the rise, progress and state of the present divisions in the Church of Scotland". It throws all the blame upon the Protesters. It was answered in due course by another leaflet, "Protesters no Subverters" but it had done its work.[1] Wariston was to experience in London the most heartbreaking days he ever lived through. Broghill especially did his utmost to thwart him, and Sharp was a thorn in his flesh. He was little to be envied, vowing his vows of constancy to principle but all the time afraid of temptation, sent up on Church business but hoping also to achieve something for his own private estate, with a tempestuous character which did not attract men to him and at the same time faced by many adversaries.

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[1] Consultations p. 292.

Chapter XV.

Wariston and Cromwell.

The question which beyond all others intrigues the student of Wariston and his age is how this man who was for so many years the foremost opponent of Cromwell and the English invaders should have so completely changed his attitude as to be found at last in office under the Protector. How came it that the writer of the Diary of 1650 who called Cromwell "that proud piece of clay", who did his utmost to prevent any of his friends accepting employment from the English and who said he would rather send his daughters out to service than fall in with the corruptions of the times, appears a few years later hand in glove with the man he condemned, a Lord of Session and a member of the English House of Lords?

No man in Scotland was at first so irreconcileable. Cromwell declared that he hoped to have peace with Spain and France and Holland and the Highlands but he expected no peace with Wariston.[1] The Scot met the advances of the English Commissioners with a cold refusal and was unmoved by their anger.[2] We find this attitude maintained up to the time when Monk took over the command in Scotland in 1654 and even until/

1. Diary III 216.

2. ibid 153-4.

until Wariston went up to London to represent his party in 1657, but there are indications between these dates that his opposition is beginning to give way. Nor is this surprising even in the case of a man of his decided convictions. He must have been aware that Scotland had never been so well governed as it was under the English rule, that money had never been so plentiful and that the people did not feel the yoke of the invader to be very grievous. On the other hand he saw no prospect of any immediate political change: he had no desire for the return of the King, and the controversy between his party and their opponents had reached the position of stale-mate. What better could he do than meet the advances of the Protector? But the compelling urge in his change of attitude was that his own estate was practically bankrupt. He had lost his official position and emoluments by the English invasion. The sum of £3000 voted to him by Parliament out of the payment made them by England he had never received. In March 1654 he says that the Procuratorship of the Church was the only place left him; he had to repay much of what he had received as Lord Register for appointments of officials, and time and again he speaks of his wife's complaints about their poverty. A man may bear his own sufferings with Stoic fortitude but he can hardly remain proof against the appeal of suffering wife and child. He notes in the Diary of 1657 "the children's provision is/

is my temptation" and it was this which proved to be the strongest factor in inducing him to go back upon his many declarations of hostility and accept office under Cromwell.

The successive stages on the road he travelled, a downward road to many of his friends, but to himself a triumphal march culminating in the Chair of the Council and in the Committee of Public Safety, are revealed in the Diaries, and furnish an interesting story. It is evident from their pages that long before the outward change took place his mental attitude had begun to alter, As early as 1654 he records complimentary references to him by the English, dreams of being pursued by some Scots and rescued by the English, being in Whitehall with the Protector and bidden dine with him. Then under date January 2 1656 appears a significant entry in which he records the assessment of £10,000 per month levied upon Scotland and his own name among the Commissioners. At the time he had no public office and had time and again declared himself openly against accepting employment. But there follows in the Diary a new dedication of himself to God and a preparation for office. He notes that he had had thirteen years public employment, 1637-1650, then five years in the wilderness, and now appears the assessment and his name on it! He goes on forthwith to lay down three conditions on which he will accept, one of/

[1] Diary III 280.

of them being "that Thou make my calling to it clear and convincing to my own conscience and to the consciences of Thy saints", but his decision seems to have already been made. The reasons he brings to bear on his own conscience fill more than fifty pages of his journal, and he is still adding to them long after he has accepted office, and, as regards his friends, he and his old comrade James Guthrie parted company on account of it, but Wariston did not resign his position.

His preparation for office proceeds by way of rigorous self-examination, - recalling of faults in his former employment that he may guard against them in future. But he is not yet ready to commit himself openly. On 7th January 1656 he records that he has written his answer giving his reasons for not meddling in public affairs, but it is significant that there follow pages in which he indulges in a vision of himself in place and power and his proper acting in it. He must peruse the books of Moses and other historical books, study the lives of Israel's great men, make set visits through the Church, give examples of severity against abominable ministers and magistrates, etc. There are twenty of these, and he adds "All which twenty things I desyre grace if ever I be putt in power to endeavour and practice, which I promise throw God's grace to do". Further similar ideas suggest themselves the same night. He sees himself a second Moses "to cause bring/

bring hard cases to me", and adds "God will seek an account of the souls and bodies committed to my charge and perishing throw my default in my magistracie and episcopacye". Some of these items are arresting. He is to do away with toleration in religion and endeavour uniformity in worship, to convert the Jews by sending Doctors among them and receiving some of their Rabbis, establishing Colleges in their bounds and entertaining converted Jews. It is his vision splendid!

The first actual dangling of the bait before him came on 31st May 1656 when he received a letter from Argyle in London saying that "if I would take the Registers in keeping, they would give me a salarye, and more in our business might be done afterwards". No man had been more intimate with him than Argyle and none knew better what would appeal to him, and Argyle had put his knowledge at the Protector's disposal to win Wariston for the Government. This was his old office which Wariston had lost in 1650 and it was a very lucrative post. In addition to the statutory fees, it carried with it the appointment of clerks and minor officials who paid for their places. Wariston's heart had been set on it. "From September 1640 at Ripon the desire of it had been an idol to me and the want of it the worm of my gourd, and the seeking of it had drawn me to snares with the King".[1] But attractive as the bait/

[1] Diary IV.

bait was, he was aware of the snare with it and he could not bring his conscience to it. Thrice he wrote refusals to Argyle, although, as he says, the Clerk Registership was his highest aim and this was the offering up of his Isaac. At the same time he was willing to take his debt if they would pay it. His suggestion was that the office might be given to some honest clerks and his debt paid out of the emoluments. For many months he played with the bait. He notes that "the Protector said he thought that all I had done was from conscience, but that now my conscience kept me in prison and that I had fettered myself with so many bonds as I could not extricate myself again". He recalled Peter's change of mind regarding the Gentiles and thought that he himself might also change. It galled him to think of his place being given to another and yet he could not accept without offence. Then came the intimation that the Protector had granted him a yearly pension of £300. The acceptance of the gift needed some justification, but he remembered that Daniel at first would not eat the King's meat and yet thereafter took his gifts. By the end of November we find him telling his wife that he had less scruples anent places than he had previously.

It was in this half-decided state that he went up to London in the beginning of 1657. Immediately he was pressed again to take the Registers and to join the Council.

He/

He continued to assail his conscience with arguments. He allowed his name to be put on a Commission. In vain James Guthrie protested, writing home to Scotland denouncing his former friend. In vain his wife wrote pleading with him "not to meddle in my own particular till I have done with my public business". He argued that he was only returning to his old calling, not like the Protector seeking a new title. He went to see the Registers where they are stored in the Tower. "It made my heart sick to see them, especially one floor lying full of the papers lyk a great heap of dung". Thereafter he wrote in the Diary fifty pages of arguments anent taking of places.

On 10th June 1657 the fateful conference with Cromwell took place, when he told the Protector of his condition and claims. Here are his own words. "He acknowledged the debt was due and said I had long been cruel to myself, my wife and children. He expressed good affection to the Remonstrators and his desire of a union between that Godly party and others of the other judgment. He asked if I was clear and free to serve and take imployment, and I told him I was free in things lawful and conduceable to the service of God and His people and his Highness therein". There was a short delay thereafter owing to objections by some about his nomination of the Clerks, but on 9th July appears the entry, "The Deputy told me that the business would be done if I agreed to one clause that/

that was added, of being subject to his Highness and his Counsel heir their regulation of the fees. I told him I was subject to them howsoever and was contented with the clause. Then he bade me this night go to the Secretary, so I went down and in his house I found M. P(atrick) G(illespie) had gotten it subscryved and sealed in his pocket". Immediately follows his final argument "After the Protector's Government settled be Act of Parliament and consent of the nation als much as ever any conqueror was, I think it als lawful to tak places from him as from King James."

Such is the explanation taken from his own Diary of the problem of Wariston's volte face. We may leave it with the further entry dated 10th June 1657, "J(ames) G(uthrie) pressed to know the reason why I had changed my resolution and I told him the necessity from home and heir, their ruyning that place and my interest in it. Then he spak passionately about my turning. I desyred him to refrain from reflexions".

One further point of interest calls for notice here concerning the Register's appointment of Clerks. Wariston has been charged by various writers with making money by the sale of places, and it has been said that one cause of his poverty during this period was that he had to refund the sums he had so received. Morison[1] tries to rebut the charge, but he/

[1] Life of Johnston of Wariston 139.

he would not have done so had he read the Diary. Time and again in his self-examination Wariston admits it, regretting "the scandalous selling of the Clerks' places",[1] and the fact that he was aware of the weakness of his position is seen in the Diary of 7th June 1657 before his interview with Cromwell, "I told him my resolution not to sell the places again". His only defence to Cromwell on his nomination of the Clerks was, "We shew him how every man preferred his freinds and non could answer for them and I could not answer for the Registers". In a paper published in 1690[2] giving an account of his losses and sufferings, it is said that "Parliament gave him the office and benefit of the Clerk of the Registers that his losses might be repaired by the entry of the under-Clerks according to the law and custom of that nation usually given to his predecessors in office".

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[1] Diary IV.

[2] Register

Chapter XVI.

Wariston in London.

The requests which the representatives of the two parties were to lay before the Protector have already been related. They had not been long in the capital before they were called to debate the question at issue in his presence. We have no account from Wariston's hand of what took place at the first meeting, for that part of his diary is missing, but we have Sharp's story, which gives naturally the view most favourable to himself.[1] He tells how single-handed he answered effectively the claims of his opponents, winning for himself the approval both of Cromwell and of several English ministers who were present. The ground traversed in the debate included all the old disputed points, the Acts of the last Assemblies, censures on Protestors, etc. He mentions Wariston as coming in with "his rambling usual expressions of our taking in the Malignant party, our turning the mouth of the cannon against the Godly, our sinful treating with the head of the Malignants at Breda", and that in reply he had said that it was strange that Wariston should mention the treaty at Breda, since his hand was as deep in that treaty as any man's in Scotland.[2] He adds that Wariston/

1. Consultations of Edinburgh Ministers 348.
2 *Supra p. 87*

Wariston answered that it was true he had consented to that treaty but that he had repented of it.

This is a surprising statement, for it has been stated by practically all the historians of the period[1] that Wariston objected strongly to that treaty, and one is inclined at first to think that Sharp has given an utterly distorted account of what actually took place at the debate. But an interesting light is shed by the Diary on the matter and it vindicates Sharp's statement. Writing with regard to his party's conference at Edinburgh on 26th November 1655 Wariston says "I prayed that the party should dissolve without a snare. I am afraid of one in the close as I fell in one at the close of the treaty with the King. Brunt bairns dread fire". This is further explained by the entry of 25th October of the following year, "I confess my great sins in that place, both in my consenting to the close of the treaty and drawing up in it the Act for admitting the King to the exercise of his power of purpose for the King's favour to continue me in that place". And again writing of the debate with Sharp, "I heard Mr Sharp caused jeers at my saying I repented of that treaty". If any further evidence is needed, it is afforded by his written confession on leaving office in December 1659 of his selling of the Clerks' places in 1648 and his "passing the Act for the King's/

[1] Balfour's Annals III 416. IV 2.

King's exercise of his power in 1650 to keep my place".

These entries are quite conclusive and leave one in no doubt that with all his strength of character the feet of the statue were partly of clay. The only satisfactory feature is that the man himself had the courage to confess his faults.

Regarding the further debates the Diaries have something to say. They speak of a three hours conference on 24th February when Wariston claims to have made a deep impression on the Protector's mind and that Cromwell spoke "very respectively" of him, proposing to keep him in London on the Admiralty. There is a fuller account given of the meeting of 3rd August. Cromwell had referred the dispute to a Committee. Sharp demanded to be heard as a private person and Wariston objected. Sharp said he never appeared in a public capacity, he had no Commission from the Church or her judicatories, but only from four or five ministers, and his instructions were to inform the Protector and not to appear before any others or to seek or receive any judicial determination of their differences. Wariston says "God made the Committee see strange dissimulation and doubledealing and subtle evasions of that man that has stood in our way these seven months and cleids himself with public or private capacity as it will make for jangling us and putting us off". And he adds that in the opinion of one/

one of the Committee "it was fortunate for Wariston's party that Sharp had denied public capacity, for the Public Resolutioners had never made application and were tied to nothing and he did thereby free the Protector from a great temptation of not discontenting so considerable a party that applied themselves to him".

But in the end the Conference brought no results satisfactory to either party. Cromwell did indeed utter words that seemed to favour Wariston's party, saying he thought the Remonstrators were contending for the power of Godliness and the others for the form, yet he thought the course taken not "indifferent nor healing but widening differences". And by a vote of the House on 15th June 1657 Malignants were excluded from places of trust, a direct re-establishing of the Act of Classes. Wariston was jubilant over this vote, confiding to his Diary that the news would come like unexpected thunder to the Malignant party in Scotland,[1] but Sharp privately got the assurance that it would remain a dead letter. Wariston's hopes were finally dashed when the Committee gave in its report. It was so much divided that the Council decided simply to write to the ministers in Edinburgh advising them to try and agree among themselves. On 28th August he writes, "I heard the sad tidings of our busines going all wrong in the Council, their/

[1] Diary 16/6/1657.

their refusing joint Committees and Commission for plantation, and exhorting to union". This was, he says, the greatest straits we have met with.

The pages of the Diary written in London present a pathetic mingling of hopes and fears, exultation and dejection. It was the most unhappy period of Wariston's life. There were quarrels in his own party, constant anxiety on account of Sharp, and nothing gained for the Church. And he was aware that although he had attained something for himself, he had lost the confidence of his own countrymen. "Not only foes but divers friends think it scandalous my taking of my place when nothing is done for the Church matters whereabout I was sent". "The Lord pitye us for wee are lyk to goe home the greatest fooles that ever cam abroad for so important a business".

With the Council's letter to the ministers there was no further hope of success for the Protesters, and ecclesiastical affairs now occupy much less space in his Diary. Wariston only mentions James Guthrie's proposal[a] to make Scotland an independent republic and his request that he should support it, but he writes that he hears it would only create jealousy of the honest party in Scotland and lead to greater bondage, and he sets the matter aside. Sharp's name occurs once/

[1] July 1657. [2] June 1659. cf. Consultations II.

once. He had been sent back from Scotland to watch Wariston in his place of power. The latter reported to the Council that Sharp had had private meetings with Titus and Massie, two emissaries of the King, and it was moved that he should be imprisoned, but Wariston objected, saying it would bring the ministry and most of Scotland about their ears, so Sharp was only ordained to be examined and his journey stopped.[1] Wariston refers to the matter, stating that he had been reproached for doing Sharp an ill turn and that he had answered that if the keeping him from prison and turning it into a letter was one, he had done it. There are several references to the Parliamentary debates on the projected union between Scotland and England and the difficulty which arose on the question of toleration in religion. The idea of union emanated at first from the Protector, and several Parliaments had made abortive attempts to carry it through. It was brought up again in 1659 by certain of the Scots deputies, but they found the question of toleration a stumbling block. The Scots generally were strongly against "vast toleration", but some of their number in London wrote to Scotland asking that a supplication in its favour should be sent to London. Few subscribed it, although there were so many with leanings that way that the Presbytery of Edinburgh issued a "Testimony and Warning" against it. Beattie[2] sees in the pamphlet insinuations against the/

1. Beattie History 283. 2. ibid 289.

the Protesters but Wariston is certainly not guilty of the charge. He grew so hot in condemnation that they urged moderation, and he writes that he would not agree to middle courses, he was bound to contend to the death. He wished it to be adopted by the Committee but they would not hear of it. In the environment in which he then was, his was a voice crying in the wilderness.

Meantime in Edinburgh, consultations were still being carried on among the ministers, though with small hope of any definite fruit. They published in 1658 "A Declaration of the brethren who are for the established Government and Judicatories of this Church, expressing their earnest desires of union and peace with their dissenting brethren", but the spirit in which it was written was certainly not likely to lead to peace. It opens with accusations that the Protesters had made a needless rent in the Church on a question extrinsic to doctrine and government and had made the Church a laughing stock to all men. It proceeds to deal with the demands of that party, giving them a definite refusal, and then expresses the Resolutioners' willingness to cease the strife, on conditions offered and refused previously.

The pamphlet had no effect so far as Wariston was concerned. He was in Scotland again at the time of its publication, busy with the duties of Clerk Register, and mentions "petitions/

"petitions of the under-clerks about the prices" and "the great complaint of many about the prices of the Signet and Registers". Other writers also refer to these charges against him and complaints that one sheet of paper used to contain more writing than two now, that the Lord Register might gain more thereby.

On the death of Oliver Cromwell in September 1658 Wariston was recalled to London. The way was closed for any advantage for his party, but it was still open for his own ambition, and while Church affairs sink out of sight, politics and office are much spoken of. He is still driven by the spur of necessity. The Registership had not proved so lucrative a post as it used to be. He speaks of "the stoppe of the places of public service that used to go with my place", and of an Act of Council reducing Clerks' fees "to book of rates which will make my place worth nothing".[1] His heart was set on being made a Judge. He "spoke to the Deputy about the disgrace of keeping me off the Session and the Exchequer" and he "showed the Secretary the Clerk Register was aye a Judge". He received the position he coveted and higher offices as well. He became in 1658 a member of the House of Lords and of the Council of State, being the only representative of Scotland on that august body. In Richard Cromwell's Parliament he continued to sit among the Peers. After Richard's abdication he attained/

[1] July 1657.

attained the highest seat of power, occupying the chair in the new administration formed to carry on the Government, and on the suppression of the Rump he was appointed a member of the Committee of Public Safety and acted as intermediary between Parliament and the army to prevent bloodshed.

Sharp attempted to belittle these honours. He reported to his party in Scotland that "Wariston has been put into the chair of the Council of State that they may be rid of his multiloquy and impertinent motions, as some say, for the President must not make motions for debate, but sure your Remonstrators will be high upon this his advancement"[1]. But Wariston himself was at the time gratified and amazed, for these appointments surpassed his expectation. He justified his acceptance of them by saying there was little difference between his sitting in the Counsels of the Parliament 1644-5-6 and sitting in their Counsels and in the House of Lords.[2] He frequently expresses his wonder. "Now sitting at the Counsel table in Whythal I wounder to see Charles Stewart and O. Cromwell their families excluded from it and poor Wariston a stranger brought into it without my hand". "Strange that I should sit in Oliver's chair and preside in the Council". But it was not altogether a bed of roses for him. He was constantly beset with fears and conscious of the uncertainty of his/

[1] Consultations II. [2] Diary IV 16/5/1659.

his position, and he knew he could get no good done for Scotland. At the height of his prosperity he writes "This airy windy shadowy honour of presiding without any real advantage fed but my fancy". That his position was really a dangerous one soon became evident. He hears in December 1659 that he is likely to be arrested for signing warrands in the name of the Committee, and General Monk is writing against him as "an incendiary who had made division in Scotland and as so dangerous a man that the State never did thrive wherein he meddled".

The crash in his fortunes came in December 1659. with Monk's march on London. The pages of the Diary are now painful reading. He is forced to go into hiding for fear of arrest. They are full of self accusation and bitter remorse. He blames himself for occupying the chair. He had coveted it from his ambition and avarice and vainglory to get things done for himself and his friends. "Whereas I thought I was following the call of God's Providence, the truth is I followed the call of Providence when it agreed with my humour and pleased my idol and seemed to tend to honour and advantage, but if that Providence had called me to quit my better place and take me to meaner places, I had not so hastily and contentedly followed it". Then, de profundis, "That doolful sinful wraythful chaire to me! Woe is me that ever I saw it and sate in it! Oh, it had been better for me I had been sick or fallen that day I came from Scotland to England".

There/

There follows a gap in the Diary. He managed to make his way back to Scotland, heard of the warrant out for his arrest and escaped to Holland. There are a few pages written there at Bolbek. He dreams of Argyle and James Guthrie at the time they are paying the last penalty on the scaffold, reads his own sentence of death in the Gazette - then silence.

The Last Phase.

The rest is soon told. There was no forgiveness in the heart of Charles for the man who had not only thwarted his plans and taken service with his enemies but had also been outspoken in his condemnation of the royal vices. In his absence Wariston was tried for treason and condemned, his offices declared vacant and his estates forfeited. His sentence was proclaimed at the Cross in Edinburgh in May 1661. From Holland, where the last pages of the Diary were written, he sought asylum in Hamburg and there was treated during an illness by one of the Court physicians who is said to have ruined his patient's health by excessive bleeding. On his partial recovery he ventured to journey to France to meet his wife, was discovered and arrested, and ultimately brought back to Edinburgh to meet his doom. On 8th July 1663 he was brought/

brought before Parliament to hear his sentence. No circumstance was spared to humiliate him, and men who had often cowered under the lash of his invective now sat and gloated over his downfall. From the accounts which have come down to us the prisoner was but a shadow of his old self and they saw now but the wreck of his powerful intellect. Sentence was carried out on 22nd July. On the scaffold he read his last speech and testimony,[1] not that which he had earlier prepared for such a day as this, for that had been taken from him, and it lacked nothing of the force and fervour which marked all his utterances on behalf of the Covenant. In it he expressed repentance for his compliance with the English, induced, he declared, by his fear for the straits of his numerous family, but absolved himself of any complicity in the death of the late King. Then with the words "Pray, pray: praise, praise" on his lips and hands uplifted, he made an end.[2]

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1. Given in Naphtali.

2. Wodrow. I 385.

Summary.

We close the study of Wariston's life and character with mingled feelings. He has called forth praise and blame from later historians just as he did from his own contemporaries, and the blame is probably of greater volume than the praise. Carlyle, who does not condemn, asks, "Alas, will any human soul ever again love poor Wariston?" Feelings of love he certainly does not stir in any soul. He was too hard, too stern, too much lacking in the kindlier graces which earn for a man the affection of his fellows, too deficient in the saving grace of humour, and his faults were not those which men find it easy to condone. It is inevitable that he should be criticised and condemned. His lot was cast in stormy times; he played a part in political and religious strife and could not escape the enmity of opponents, nor was truth the monopoly of one party. He was a firebrand, passionate, quick-tempered, impatient of the views of those from whom he differed, and moderation was foreign to his nature. No, one cannot love Wariston.

But there is much to be said by way of extenuation, and these obvious faults must not blind us to the worth of the man's character and to the value of the service he rendered/

dered to Scotland and her liberties. His times were hard; the men he quarrelled with were, many of them, devoid of scruple, and if he showed, as we have already seen, more of the iron hand than of the velvet glove, his circumstances largely called for it. He had to bear the burden of a peculiar heredity and a man may be excused if he finds it difficult to cut himself loose from the traditions in which he has been nurtured from his childhood and which were felt by him unceasingly throughout his life in the impact of the national character upon him. He must be judged, if judgment is to be in any degree just, in connection with his age and environment. It is easy to charge him with bigotry and intolerance, remembering how he fought to the death against liberty of conscience in religion. The charge cannot be denied, but it only amounts to this that he did not rise beyond the level of his contemporaries in Scotland. Was there any man among the protagonists on either side in the controversy who believed in liberty of conscience? One has but to read Samuel Rutherford's book "A Free Disputation against Pretended Liberty of Conscience" to see their standpoint and their fear that it meant putting conscience in the place of God and the Bible, and opening the door to every kind of heresy. They were simply men of their time, not like Cromwell, a man before his time, nor were they like the English Latitude men Jeremy Taylor, Hales and Chillingworth. Nor must it/

it be forgotten that the Scots loved their Presbyterianism with a passion born of a century's strife and sacrifice for it, and liberty to substitute for it any other form of Church government was to them disloyalty to their country and their faith. And one may add that Wariston and his fellow Protesters were the fore-runners of the later Covenanters who sealed their testimony with their blood, and it was their strong stand for principle that ultimately secured the religious liberty of their country.

He has often been condemned for his uncompromising attitude in the Resolutioner-Protester controversy and for the vehemence of his opposition to the St Andrews Assembly and its leaders. There is one fact, however, which is not generally known, that his personal friendship with the leaders of the opposite party was still maintained and he never allowed himself to become embittered towards them. When he sent his wife with his letter of protest to the Assembly he bade her tell Douglas, Blair and Dickson that he still prayed for them, and in later days when he had risen to power under Cromwell, he records in the Diary that when his daughter lay sick unto death David Dickson prayed in her sick room. It is a tribute to the disputants, and Wariston is no less worthy of it than the others, that ties of friendship were not forgotten in their controversy.

It will always remain a blot on Wariston's memory that he went back on his many protestations and accepted office under the English Government. Had he not made mention of it himself in his speech on the scaffold and expressed his remorse for the step, no man would have been justified in condemning him. Had he only done it with a clear conscience, he would have been quite consistent with his best judgment though not with his past actions, and this is the only consistency that matters. But he had not done it with a clear conscience, and the stain cannot be wiped out. The only possible extenuation is that he was driven by sheer poverty. Sordid greed of wealth he was never guilty of. When a man is torn between the stark necessities of his children and other claims of duty, surely there is a place for pity.

The value of his services to the cause of the Covenant and to Scotland cannot be overestimated. Few will deny that the National Covenant was justified in the face of the King's despotism, and throughout the whole movement Wariston was, as we have seen, the inspiring and guiding power. Had he not been there, the stream of Scottish history would have run in a very different channel. Whatever may be said of his later years, he laid then on the altar of his country's service the best gifts he possessed and he gave them with no thought but to safeguard her liberties. The fine gold may later have become/

become dim, but in those great hours it shone forth without stain or alloy.

The trend of his ecclesiastical politics may be very largely accounted for by three determining factors. There was first the man's religion. If narrow, it was tremendously sincere, as every page of the Diaries reveals. His belief in God was the master passion of his life, and prayer was the atmosphere which he continually breathed. He communed with God as readily as he did with men. Religion was life to him.

Secondly, his career after the Solemn League and Covenant was radically influenced by his conception of that bond as a compact made with God. He was, as we have seen, mistaken, but so he conceived it. It was from this that subsequent steps followed and they followed inevitably, his enmity against "Malignants", the controversy with the Resolutioners and his determined attitude of non-concurrence with those who would mitigate the terms of that compact.

Thirdly, Cromwell's judgment of the man was not far from the truth. He said that all that Wariston had done was from conscience, but now his conscience kept him in prison and he had fettered himself with so many bonds that he could not extricate himself again. The pity of it was that the voice of conscience sounded so loudly that it deafened him to tenderer notes. And had it but been more enlightened, instructed/

structed more by the spirit of the New Testament than the Old, more able to discern the difference between essentials and non-essentials in religion, the memory of Archibald Johnston of Wariston would have been more beloved.

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